

# Meeting Pack

Derry City and Strabane District Council

**Dear Member of Derry City and Strabane District Council**

You are hereby summoned to attend the **Monthly Meeting of the Derry City and Strabane District Council** to be in held in the Guildhall, Derry, on Thursday 26 April 2018 at 4.00 pm

**Yours faithfully,**



**John Kelpie  
Chief Executive**

## Agenda

- 1 Notice and Summons of Meeting**
- 2 Member Attendance and Apologies**
- 3 Webcasting Notice**
- 4 Declarations of Members' Interests**

## Open for Decision

- 5 Chairperson's Business**
- 6 Confirmation of the Open Minutes of the Meeting of the Derry City and Strabane District Council held on Thursday 29 March 2018 (Pages 1 - 26)**
- 7 Matters Arising**
- 8 Adoption of the Open Minutes of the following Committees**
  - a** Monthly Governance and Strategic Planning Committee held on Tuesday 10 April 2018 (Pages 27 - 38)
  - b** Monthly Planning Committee held on Wednesday 11 April 2018 (Pages 39 - 56)
  - c** Monthly Assurance, Audit and Risk Committee held on Thursday 12 April 2018 (Pages 57 - 62)

- d** Monthly Business and Culture Committee held on Tuesday 17 April 2018 (Pages 63 - 68)
- e** Monthly Environment and Regeneration Committee held on Wednesday 18 April 2018 (Pages 69 - 78)
- f** Monthly Health and Community Committee held on Thursday 19 April 2018 (Pages 79 - 96)

## **9 Notices of Motion**

### **Councillor Cooper to Move:**

Given the recent massacre of civilians at the Palestinian border by Israeli State forces, this Council calls for the immediate expulsion by the Irish government of the Israeli ambassador.

I bhfianaise an áir sibhialtach le déanaí ag an teorainn Phalaistíneach ag fórsaí stát Iosrael, éilíonn an Chomhairle seo go ruaigtear láithreach Ambasadóir Iosrael ag Rialtas na hÉireann.

### **Councillor McKnight to Move:**

Go gcuireann Comhairle Chathair Dhoire agus Cheantar an tSratha Báin ina luí ar an Roinn Bonneagair go bhfuil an-tábhacht leis an A2 Bóthar Bhun Cranncha mar thiomántóir eacnamaíoch don Réigiún ar fad san Iarthuaisceart. Agus plé ag an leibhéal is airde leis an Roinn chun cur ina luí uirthi nach mór gach réiteach a thriail chun a chinntiú go gcuirtear forbairt A2 Bóthar Bhun Cranncha i gcrích.

That Derry City and Strabane District Council impress on the Department of Infrastructure the importance of the A2 Buncrana Road as an economic driver for the entire North West Region. And to engage at the highest level with the Department to impress on it that all funding avenues be exhausted to ensure the development of the A2 Buncrana Road is completed.

## **Open for Information**

### **10 Responses to Motions** (Pages 97 - 104)

### **11 Seal** (Pages 105 - 106)



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## Derry City and Strabane District Council

**Minutes of Monthly Meeting of Derry City and Strabane District Council held in the Chamber, Guildhall, Derry on Thursday 29 March 2018 at 4.00pm.**

**Present:- Councillor M McHugh (Mayor) (In the Chair); Aldermen Bresland, M Hamilton, R Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke; Councillors Boyle, Campbell, Carlin, Carr, Cooper, Cusack, Dobbins, Donnelly, Duffy, Fleming, Gallagher, Gardiner, Hastings, Jackson, C Kelly, D Kelly, P Kelly, Logue, McCauley, McGinley, McGuire, R McHugh, McKeever, McKnight, O'Reilly, Reilly, Robinson and Tierney.**

**In Attendance:- Chief Executive (Mr J Kelpie), Director of Business and Culture (Mr S Gillespie), Head of Regeneration (Mr F Morrison), Director of Health and Community (Mrs K McFarland), Lead Legal Services Officer (Mr P Kingston), Lead Democratic Services and Improvement Officer (Ms E Cavanagh), Democratic Services Officer (Mrs S Maxwell) and Committee Services Assistant (Mrs T Johnstone).**

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**C83/18 Notice and Summons of Meeting**

The Mayor read the Notice and Summons for the Meeting.

**C84/18 Member Attendance and Apologies**

Apologies were received from Alderman Devenney and Councillor McMahan.

**C85/18 Webcast Announcement by the Mayor**

The Mayor read the Webcast Announcement for the Meeting.

**C86/18 Declaration of Members Interest**

There were no Declarations of Interest at this stage of the meeting.

**Open for Decision**

**Chairperson's Business**

**C87/18 Welcome**

The Mayor welcomed Councillor McCauley as the newly appointed Member to Council.

**C88/18 Brandywell Stadium**

The Mayor commented on the successful launch of the refurbished Brandywell Stadium which will benefit everyone within the City and beyond.

**C89/18 Confirmation of the Open Minutes of the Meeting of the Derry City and Strabane District Council held in Thursday 22 February 2018**

The Minutes of the Open Meeting of Derry City and Strabane District Council held on 22 February 2018 (C43/18-C73/18) were submitted.

Councillor Hastings Moved, Councillor Jackson Seconded and the Council.

**Resolved that the above Minutes be adopted as a true record of the Meeting**

**Matters Arising**

**C90/18 Flooding Incident Response (C49/18)**

Councillor Reilly referred to the public meeting hosted by the Department for Infrastructure (DfI) and expressed his disappointment that the meeting was taking place at the same time as the meeting of Derry City and Strabane District Council. He also criticised the timing of the report by the DfI into last years' flooding event which was published two days before the public meeting. He proposed that Council request that statutory agencies such as the DfI come before Council to discuss the report as it was unfortunate the public meeting was taking place at a time when Elected Members could not attend.

Alderman McClintock also referred to the report and stated that Members had waited seven months for the document which was then published only two days before the public meeting which left inadequate time for the contents to be considered. She expressed concern regarding the lack of notification given to the public about the meeting and stated that there had been no individual communication to any of the homes that had been affected by the flooding from the organisers of the event. She stated that Councillors had been given assurance that the meeting would be held at a time which was suitable to everyone and the timing of the meeting showed a total disregard for the roles of Elected Members. She referred to the content of the report and stated that those affected by the flooding had expected to see more preventative measures in place for the future and were deeply disappointed by the document. She stated that flood risk and

prevention with flood alleviation had only a brief mention within the report. She further stated that during the flooding incident some homes, particularly in rural areas, could have been saved if gullies had been properly maintained and that the report stated that gullies would be cleaned and maintained annually.

Councillor Gardiner echoed the concerns raised by Alderman McClintock. She stated that she and her colleagues had hand delivered information on the public meeting to residents in Ivy Mead and Riverside Park. She stated residents in those areas had not been aware that the meeting was taking place. She further stated that she had contacted the DfI, who informed her that they did not have the capacity to notify people of the meeting. She stated that the report did not give any details on what measures would be in place in the event of floods in the future. She accepted that the weather could not be predicted but that people could be given peace of mind. She stated that an action plan was required to ensure that adequate measures were put in place.

Councillor Gardiner then nominated Councillor Reilly to sit on the Adverse Weather Working Group.

Alderman M Hamilton concurred with the remarks made by the previous speakers. She stated that she had been contacted by a resident who had been affected by the floods and that their house insurance had risen from £300 to £18,000. She added that everyone in that area had been affected and needed assistance.

Councillor P Kelly remarked on the lack of engagement from the statutory agencies with the rural communities. He stated that there had been no information given to residents in the Donemana, Plumbridge and Cranagh areas regarding the public meeting. He further stated that cleaning gullies on an annual basis was not effective as there were already reports of blocked gullies in the rural areas.

Councillor Fleming concurred with the remarks made by the previous speakers. He stated that there had been a lack of communication, especially to those people who had been devastated the most. He stated that while the meeting had been arranged by the DfI, at the time of the flooding incident all of the agencies had worked together effectively to provide assistance and support. He acknowledged weather conditions could not be prevented, however certain measures could be undertaken to mitigate and minimise the risks.

Councillor Gallagher nominated Councillor Donnelly to sit on the Adverse Weather Working Group.

Councillor McKeever stated that it should be mentioned that Council were congratulated on their performance throughout the flooding incident. He added that officers and staff had performed exceptionally during, and in the weeks after the incident.

Councillor Logue proposed that Council write to the Department of Infrastructure to request clarification on their policy regarding gullies. She stated that she was aware of gullies only being cleaned and maintained upon request by the householder and that clarification would be required on the matter.

Councillor Reilly Proposed, Seconded by Alderman McClintock

**That this Council invites the statutory agencies that had been involved in the flooding incident to come before Council to discuss the report published by the DfI and to provide a further update to Members and MLAs on the aftermath of the flooding incident.**

Subsequently Councillor Reilly Moved, Alderman McClintock Seconded and the Council unanimously

**Resolved that this Council invites the statutory agencies that had been involved in the flooding incident to come before Council to discuss the report published by the DfI and to provide a further update to Members and MLAs on the aftermath of the flooding incident.**

Councillor Logue Proposed, Councillor McKnight Seconded and the Council unanimously

**Resolved That this Council writes to the Department for Infrastructure asking them to clarify their policy regarding the cleaning and maintenance of gullies in the Derry City and Strabane District Council area.**

Alderman Hussey then nominated Alderman M Hamilton to sit on the Adverse Weather Working Group.

**C91/18 Deputation by Mr Owen Lyttle – Head of Waste Policy, DAERA NIEA (C63/18)**

Alderman Hussey referred to his previous request that debris build-up on traffic islands throughout the district be removed. He stated that it was his understanding that a new sweeper lorry had been purchased and asked for a timetable outlining details of when the work would be undertaken.

**C92/18 Irish Language Week 2018 (C55/18)**

In response to Councillor Donnelly's request for an update regarding the report on branding and signage, the Chief Executive advised that the paper would be presented at the next meeting of the Governance and Strategic Planning Committee.

Councillor Dobbins entered the Chamber at this point in the meeting.

**C93/18 Monthly Governance and Strategic Planning Committee held on Tuesday 6 March 2018**

The Minutes of the Governance and Strategic Planning Committee held on 6 March 2018 (GSP35/18-GSP48/18) were submitted.

On a point of accuracy, Councillor R McHugh stated that Councillor McMahon had attended the meeting, however his attendance had not been recorded.

It was agreed that the Minutes would be amended accordingly.

Councillor Tierney Moved, Alderman Kerrigan Seconded and the Council

**Resolved that the above minutes as amended be adopted as a true record of the meeting**

**Matters Arising from the Minutes**

**C94/18 Displays Bearing the Council Logo (GSP39/18)**

In response to Alderman Hussey's request for an update on what action would be taken regarding the matter, the Chief Executive stated that to date, no action was proposed at this moment in time.

**C95/18 Motion on Naming of Brandywell Stadium and Other Council Assets (GSP46/18)**

Councillor Logue referred to minute reference GSP46/18 and stated that after further consideration, Sinn Fein were of the opinion that to include section 4.2.3 '*The name is that of a political/government representative*' within the policy would be considered as unlawful and discriminatory. She stated that it was direct discrimination against certain groups within society and proposed that Sinn Fein would not be supporting the policy.

In response to Councillor Logue's request for a legal opinion on the matter, the Lead Legal Services Officer, stated that it the issue was entirely a matter for Members.

Councillor Logue Proposed, Councillor Jackson Seconded

**That section 4.2.3 'The name is that of a political/government representative' be removed from the Council Asset Naming Policy**

Councillor Logue then stated that she had approached the Equality Commission regarding the mater and that Councillors should be mindful on what they were voting on.

Councillor Reilly stated that the view of the SDLP on the matter remained the same. He added that a working group had been set up were conversations had taken place on the matter and that there was no reason why the decision should be changed.

Aldermen McClintock and Hussey echoed the comments made by the previous speakers. They stated that there had been lengthy discussions regarding the issue and added that the tremendous work undertaken by the working group would not be changed.

Councillor Logue Proposed, Councillor Jackson Seconded

**That section 4.2.3 'The name is that of a political/government representative' be removed from the Council Asset Naming Policy**

Councillor Carlin requested a recorded vote.

Following a request for a recorded vote the voting was as follows:

For the Proposal – Councillors Campbell, Carlin, Cooper, Duffy, Fleming, McCauley, Jackson, C Kelly, D Kelly, Logue, McKnight, McGinley, McGuire, M McHugh and R McHugh – 15.

Against the Proposal – Aldermen Bresland, M Hamilton, R Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke; Councillors Boyle, Carr, Cusack, Donnelly, Gallagher, Gardiner, Hastings, P Kelly, McKeever, O’Reilly, Reilly, Robinson and Tierney – 22.

The Proposal was therefore rejected.

Councillor Fleming stated that the proposal by Sinn Fein not to support the policy had not been voted on.

The Mayor informed Councillor Fleming that the policy was included within the minutes of the Governance and Strategic Planning Committee which had been ratified.

The Chief Executive outlined that there had been a proposer and seconder for the minutes. He stated that in normal circumstances this would be a unanimous decision. However if this was not the case then the matter had to be reconsidered.

After a short recess to discuss the matter Councillor Fleming stated that his party would not be accepting item GSP46/18 of the minutes of the Governance and Strategic Planning Committee held on 6 March 2018.

Councillor Fleming Proposed, Councillor Duffy Seconded

**That the minutes of the Governance and Strategic Planning Committee held on 6 March 2018 be adopted other than GSP46/18 to be decided upon on its own.**

Aldermen McClintock and Thompson asked for clarification on the matter. They stated that the minutes had been accepted in their entirety and now there was a proposal to accept the minutes minus one item.

In response, the Lead Legal Services Officer stated that regarding accuracy, the minutes had already been dealt with and Members were now asked to consider the recommendations from the Governance and Strategic Planning Committee which needed to be endorsed.

Councillor Tierney stated that when he proposed the adoption of the minutes, it was to accept them in their entirety as an accurate account of what had occurred at that particular committee meeting.

Councillor Fleming stated that under matters arising within the minutes there was an issue with GSP46/18.

Alderman Hussey asked at what point were minutes actually adopted.

In response, the Chief Executive stated that there had been a proposer for the entirety of the minutes which had been seconded. Normally, this would be a unanimous decision. However, on this occasion, it had transpired that it had not been unanimous, therefore a proposal or an amendment to a proposal has been put to the floor for Members to consider.

Alderman Hussey stated that a precedent may now be set requiring minutes to be proposed and seconded for accuracy and then subsequently the adoption of the minutes.

Councillor Gallagher stated that there had been many occasions where a decision had been made by a committee which had subsequently been overturned at full Council. Therefore a precedent has already been set.

The Lead Legal Services Officer outlined that the issue of accuracy in the minutes had already been discussed with no issue taken regarding the accuracy of the minutes. He stated that under matters arising, there were a number of recommendations which had to be either accepted or rejected by Council. He stated that it was a matter for Members on whether they wished to accept all of the recommendations from the committee, or if there was one of those recommendations that they do not accept.

Alderman Hussey stated on a point of order that a recorded vote on a proposal had already taken place and within Standing Orders, that position could not be changed within 6 months.

In response, the Chief Executive stated that this matter was a separate issue regarding a particular proposal that had arisen during the discussion in the minutes.

Councillor Logue stated that given full agreement had not been reached within matters arising, proposed that the policy was not accepted.

Councillor Fleming stated that a matter had arisen from the minutes which Sinn Fein found discriminatory and would not be supporting that issue. He further stated that Members were entitled to state that they

did not support a particular item under matters arising and that this option had long been in practice within Council.

The Mayor advised Councillor Fleming that he could propose an amendment to the minutes not to accept section GSP46/18.

After a short recess to discuss the matter, Councillor Fleming proposed the following amendment.

Councillor Fleming Proposed, Councillor Logue Seconded

**That the Minutes of the Governance and Strategic Planning Committee held on 6 March 2018 be adopted other than section GSP46/18 which had raised an issue of concern**

Following a request for a recorded vote the voting was as follows:

For the Proposal – Councillors Campbell, Carlin, Cooper, Donnelly, Duffy, Fleming, Gallagher, McCauley, Jackson, C Kelly, D Kelly, Logue, McGinley, McGuire, M McHugh, R McHugh and McKnight – 17.

Against the Proposal – Aldermen Bresland, M Hamilton, R Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke; Councillors Boyle, Carr, Cusack, Dobbins, Gardiner, Hastings, P Kelly, McKeever, O'Reilly, Reilly, Robinson and Tierney – 21.

The Proposal was therefore rejected.

A vote was then taken on the original proposal with the voting as follows;

For – 21; Against – 16; Abstentions – 1. The proposal was there for carried and Council

**Resolved that the minutes of the Governance and Strategic Planning Committee held on 6 March 2018 be adopted**

**C96/18 Monthly Planning Committee held on Wednesday 7 March 2018**

The Minutes of the Planning Committee held on 7 March 2018 (P41/18-P59/18) were submitted.

Alderman Bresland Moved, Seconded by Councillor Hastings and the Council

**Resolved that the above minutes be adopted as a true record of the Meeting**

**Matters Arising from the Minutes**

**C97/18 Planning Application List with Recommendation for Decision (P50/18)**

Councillor D Kelly stated that an application was being assessed regarding renewable energy targets. He stated that over a number of committee meetings, Members had requested the updated renewable energy targets from Government which had still not been provided. He stated that Members of the Planning Committee relied on the renewable energy target data, however Government were not providing the information in order for Members to make decisions on applications.

Councillor D Kelly Proposed, Councillor Hastings Seconded and the Council unanimously

**Resolved That Council contact the Department of Environment asking them to provide the data regarding renewable energy targets**

**C98/18 Member Input Session to the Local Development Plan**

Councillor P Kelly then referred to the above meeting scheduled to take place on 10 April 2018. He asked if there was any possibility that it could be moved to a later time as this time did not suit many Members that wished to attend.

Alderman McClintock stated that details of the meeting were primarily sent to Members of the Planning Committee and that after extensive consultation the time of 1.30pm had been agreed upon. She added that the first meeting was aimed at the Planning Committee with subsequent meetings for all Members.

Councillor Boyle concurred with the previous speaker's remarks and added that a significant amount of meetings had taken place regarding the Local Development Plan. He stated that it would be impossible to agree a time that would suit 40 people.

**C99/18 Monthly Assurance, Audit and Risk Committee held on Tuesday 8 March 2018**

The Minutes of the Assurance, Audit and Risk Committee held on 8 March 2018 (AAR24/18- AAR32/18) were submitted.

Alderman McClintock Moved, Seconded by Councillor Carlin and the Council

**Resolved that the above minutes be adopted as a true record of the Meeting**

**C100/18 Monthly Business and Culture Committee held on Tuesday 13 March 2018**

The Minutes of the Business and Culture Committee held on Tuesday 13 March 2018 (BC52/18 – BC66/18) were submitted.

Councillor McKnight Moved, Seconded by Alderman R Hamilton and the Council

**Resolved that the above minutes be adopted as a true record of the Meeting**

**C101/17 Monthly Environment and Regeneration Committee held on Wednesday 14 March 2018**

The Minutes of the Environment and Regeneration Committee held on 14 March 2018 (ER44/18 – ER63/18) were submitted.

On a point of accuracy, Alderman Hussey stated that Alderman M Hamilton had attended the meeting but this had not been recorded.

It was agreed that the Minutes would be amended accordingly.

Councillor Dobbins Moved, Seconded by Alderman Bresland and the Council

**Resolved that the above minutes as amended, be adopted as a true record of the Meeting**

**Matters Arising from the Minutes**

**C102/18 Decentralisation of DARD Headquarters to Ballykelly (ER50/18)**

Councillor Reilly referred to the transfer of jobs to the new site at Ballykelly and that clarity was needed if the job transfers would be from DARD Belfast or North West. He then reported that a number of posts within Revenue and Customs in the North West would be cut by 2020. He stated that clarity was needed on these matters.

Councillor Reilly Proposed, Councillor Boyle Seconded and the Council unanimously

**Resolved That Council write to the Permanent Secretary and the Head of the Civil Service for (i) clarification regarding the transfer of jobs to Ballykelly and (ii) that the Civil Service consider taking on the staff from Revenue and Customs whose jobs are under threat.**

**C103/18 Update – Refuse Collection/Cleaning of Rural Roads (ER59/18)**

Councillor R McHugh stated that due to street cleansing staff being on leave of absence for various reasons, the cover within the former Strabane District Council area was not of the same standard. He asked that a report on the matter be brought to the next meeting of the Environment and Regeneration Committee.

**C104/18 Monthly Health and Community Committee held on Thursday 15 March 2018**

The Minutes of the Health and Community Committee held on Thursday 15 March 2018 (HC43/18-HC63/18) were submitted.

On a point of accuracy, Councillor Gardiner referred to HC51/18 and stated that she had recommended that Officers bring back an action plan on how Section 75 would be implemented, rather than having it as a statement within the policy to the relevant committee.

It was agreed that the Minutes would be amended accordingly.

Alderman Thompson Moved, Seconded by Councillor Gardiner and the Council

**Resolved that the above minutes, as amended be adopted as a true record of the Meeting.**

**Matters Arising from the Minutes**

**C105/18 Member Led Bonfire Working Group (HC53/18)**

Councillor Campbell requested a progress update on the working group. He stated that Councillors had been nominated as Members to the group, however the statutory agencies also needed to be contacted and brought together.

The Director of Health and Community stated that a meeting of the group has been scheduled for 25 April 2018 and Officers would ensure that there would be representation from the statutory bodies at the meeting.

Alderman Thompson nominated Alderman Ramsey to represent the DUP on the working group.

Alderman Ramsey stated that he had attended a recent meeting regarding bonfires which had been collaborative and informative and suggested that the working group meet with the different community representatives who had attended the meeting.

The Director of Health and Community stated that she would take the suggestions on board.

Councillor Tierney stated that he requested clarity on the meeting as to how it had been arranged as nobody from his party had received any information or invitation to attend.

In response, Alderman Ramsey stated that the meeting involved community groups, not political representatives.

**C106/18      CCTV Funding Update (HC59/18)**

Councillor P Kelly referred to the above item and stated that the report had indicated there would be no further funding available for CCTV provision. He stated that in 2015, thirty nine cameras were replaced and 23 cameras were extended within the Derry City area. He requested a report on how much funding was contributed from outside bodies as PSNI had cut the funding by £12,000.

The Director of Health and Community stated that a report would be brought to a future meeting of the Health and Community Committee.

Alderman Hussey indicated that he had attended a recent meeting of Strabane Town Forum. He stated that officials had reported that there were five vacant monitoring sites on the system that covered the Derry City area which, after going into consultation, may be allocated in Strabane town. However, the issue of funding had to also be considered.

**C107/18      Special Planning Committee held on Tuesday 20 March 2018**

The Minutes of the Special Planning Committee held on 20 March 2018 (SP71/18-SP12/18) were submitted.

Councillor McGuire Moved, Seconded by Alderman Bresland and the Council

**Resolved that the above minutes be adopted as a true record of the Meeting**

**C108/18 Call-in of Item SC4/18**

The Lead Legal Services Officer presented the above report, which was previously circulated to Members. The purpose of the report was to advise Members of the process to be followed in respect of Item SC4/18.

The Mayor then invited comments from Members who had signed the Call-in.

Alderman Thompson stated that the invite to Council had been a civic invitation. He stated that in all such instances in the past and before the amalgamation of the two councils, it had been custom and practise that such invites would be passed along to the Chair of the relevant Committee if the Mayor or Deputy Mayor could not attend. He added that on this occasion, Council had broken from tradition. He then pointed out that it had been stated if a name was put forward to attend, it would not necessarily be accepted. He stated that this information was inaccurate. He stated that the Mayor had used his casting vote, which he was quite entitled to do so, however, he was a Mayor for all the people within the City and District. He indicated that there was a 35 percent unionist population who would have been willing to have a representative from Council attend the event. He added that there were also nationalist representatives in Council and within the City and District who would have also been happy for a representative to attend. He stated that, in his opinion, for the Mayor to exercise his vote showed disrespect to the majority of people in the area and the refusal to send a representative from Council was an insult. He stated that in the interests of respect and equality, the Council should reconsider its earlier decision.

The Mayor stated acknowledged Alderman Thompson had confirmed there was absolutely nothing sectarian regarding the decision and that it had been made on an entirely different basis which centred round preventing ratepayers from having to pay the expenses for the event.

Councillor McGinley stated that the proposal put forward in January was not inconsistent with previous invitations to Garden Parties. He added that any Council representative that wished to attend the event, could do so, however it should not be at the expense of the ratepayer and Council and on that basis, Council should support the recommendation that was made at the Special Council meeting on 8 January.

Councillor Gallagher concurred that there had been no sectarian element to the decision as there was an opportunity for a representative to attend. He suggested that Alderman Thompson did not wish to pay to attend the event.

In response, Alderman Thompson stated that he had already paid to attend such events. He stated that Council had accepted previous invitations including an invite to a Garden Party hosted by the President of Ireland where the cost had not been mentioned. He further stated that it was important to note that the event was to recognise people from the area who had received awards in the Queen's Honours List. Alderman Thompson then referred to comments made by Councillor McGinley and stated that the particular invitation he had referred to in January was for Hillsborough Castle where Council had paid the expenses for representatives to attend. He added that people who had been nominated by their community to receive awards, paid their own way.

Alderman Hussey stated that the invitation had been extended to the body corporate for an event at which many of our citizens were receiving recognition from Her Majesty. He stated that the body corporate was denied the opportunity to be there alongside its citizens.

Councillor Reilly stated that regardless of who the invitation was sent from, be it the Irish President or the Queen, it should be treated like all other invitations and that protocol should be maintained.

Councillor Gallagher referred to item 41.1b and stated that there was no definition of named groups within Standing Orders. He stated that seeking legal opinion on the matter was therefore pointless. He added that anyone seeking a Call-in under 41.1b would not be successful.

In response, the Lead Legal Services Officer stated that the legislation provided for a Call-in under 41.1b provided that a legal opinion must

be sought and this is one of the items that would be dealt with in that legal opinion.

Councillor McGinley Proposed, Councillor Donnelly Seconded

**That this Council supports the original decision made on 8 January 2018, that Council should respond to invitations in the same manner as similar invitations regarding other garden parties in that the invitation should be made available to Members and if any Member wished to avail of the invitation they may do so, but there should be no expense to Council and the ratepayers of the City and District.**

The Proposal was put to the vote with the result as follows:

For- 20; Against-18.

The Proposal was therefore carried and Council.

**Resolved that this Council supports the original decision made on 8 January 2018, that Council should respond to invitations in the same manner as similar invitations regarding other garden parties in that the invitation should be made available to Members and if any Member wished to avail of the invitation they may do so, but there should be no expense to Council and the ratepayers of the City and District.**

### **C109/18 Rural Community Development Support Funding**

The Director of Health and Community presented the above report, a copy of which was previously circulated to Members. The purpose of the report was to seek Members' approval for the allocation of £30k of additional funds received from the Department for Communities, Voluntary and Community Unit to provide support for the rural community development service following the reduction of funding from DAERA. The report also sought Members' approval to write to DAERA to request that the allocations of funding for the DAERA Rural Community Development Support Programme be based on a formula which includes deprivation as well as population.

At this point in the meeting the following Members declared an interest in this agenda item: Councillors Fleming, McGuire, Hastings and McKeever.

Councillor Gallagher Proposed, Councillor Reilly Seconded and Council unanimously

**Resolved (i) to approve the allocation of £30,000 of additional funds to provide support for the rural community development service across the rural areas; (ii) to write to DAERA to request that the allocations of funding for the DAERA Rural Community Development Support Programme be based on a formula which includes deprivation as well as population**

## **Notices of Motion**

### **C110/18 Redevelopment of Melvin Sports Complex**

Councillor Gallagher Moved, Seconded by Councillor Carr

**That on completion of the 4G pitch in the redevelopment of Melvin Complex, that this Council names the pitch 'The Felix McCrossan Pitch'**

Councillor Gallagher stated that the Council Asset Naming Policy had been adopted. He referred to item 4.1.4 of the policy that, *'The Elected Members sitting as Derry City and Strabane District Council have responsibility for decision making in respect of Council asset naming proposals.'* He further stated that he was adhering to the conditions within the Policy and was in receipt of all the required documentation.

The Lead Legal Services Officer advised that as Councillor Gallagher had indicated that he had the required information as outlined in the Policy, the information be submitted to the Chief Executive. He stated that the matter would then be screened in line with the Policy and brought to the relevant committee for further consideration and progressed on that basis.

The Mayor therefore advised that Councillor Gallagher withdraw his Motion and provide the relevant documentation to the Chief Executive for consideration.

Councillor Gallagher stated that on the basis that the matter would be progressed through the relevant committee he withdrew the Motion.

**C111/18 Notice of Motion – The Boundary Commission**

Councillor Cooper Moved, Councillor Fleming Seconded

**That This Council acknowledges that there are grave concerns about the Boundary Commission's decision to scrap their own Provisional Proposals of September 2016 in favour of Revised Proposals published in January 2018, which are far removed from their provisional proposals but which are remarkably similar to the DUP proposals as submitted to the Commission in the course of the public consultation periods of 2016 and 2017. As a result of this, many in the Nationalist/Republican community have lost confidence in this Boundary Commission, therefore, this Council, in reflecting that loss of confidence, is calling for a Public Inquiry into the Boundary Commission's handling of the 2018 review.**

The following amendment was Moved by Councillor Tierney and Seconded by Councillor Boyle.

**That This Council acknowledges that there are grave concerns about the Boundary Commission's decision to scrap their own Provisional Proposals of September 2016 in favour of Revised Proposals published in January 2018, which are far removed from their provisional proposals but which are remarkably similar to the DUP proposals as submitted to the Commission in the course of the public consultation periods of 2016 and 2017. As a result of this, this Council is deeply concerned about the process surrounding the consultation, agrees to write to the Boundary Commission outlining our concerns and calls for all MPs from the North to vote against**

**these proposals in Westminster should they go forward to protect all rights for all people here in Northern Ireland.**

The amendment on being put to the vote was declared lost voting:

For – 8; Against – 25; Abstentions – 4.

The substantive motion was put to the vote and declared carried voting:

For – 23; Against 10; Abstentions – 4.

Subsequently Councillor Cooper Moved, Councillor Fleming Seconded and the Council

**Resolved**      **This Council acknowledges that there are grave concerns about the Boundary Commission's decision to scrap their own Provisional Proposals of September 2016 in favour of Revised Proposals published in January 2018, which are far removed from their provisional proposals but which are remarkably similar to the DUP proposals as submitted to the Commission in the course of the public consultation periods of 2016 and 2017. As a result of this, many in the Nationalist/Republican community have lost confidence in this Boundary Commission, therefore, this Council, in reflecting that loss of confidence, is calling for a Public Inquiry into the Boundary Commission's handling of the 2018 review.**

**C112/18**      **Notice of Motion – Establishment of an Irish Passport Office in the Derry City and Strabane District Council area.**

Councillor C Kelly Moved, Seconded by Councillor R McHugh

**That**              **This Council supports calls for the establishment of an Irish Passport Office in the North following figures published in December 2017 that showed 82,274 people in the North applied for Irish Passports in 2017, compared with a figure 53,715 in the year leading up to**

**Brexit. This Council writes to the Irish government highlighting this increased demand and requesting the opening of a Passport Office in the Derry & Strabane District Council area.**

The Motion on being put to the vote was declared carried voting;

For – 28; Against – 9; Abstentions – 0.

Subsequently Councillor C Kelly Moved, Councillor R McHugh Seconded and the Council

**Resolved That this Council supports calls for the establishment of an Irish Passport Office in the North following figures published in December 2017 that showed 82,274 people in the North applied for Irish Passports in 2017, compared with a figure 53,715 in the year leading up to Brexit. This Council writes to the Irish government highlighting this increased demand and requesting the opening of a Passport Office in the Derry & Strabane District Council area.**

**C113/18 Notice of Motion – Acht na Gaeilge**

Councillor Campbell Moved, Councillor Carlin Seconded

**That this Council calls for the introduction of Acht na Gaeilge as promised in the St Andrews Agreement. We recognise the need to have the indigenous language of this island protected in legislation. We also recognise that Acht na Gaeilge is important in the context of protecting rights, showing recognition and demonstrating respect. In this council area, there is a fast growing Irish Language community; including the 563 children who are being educated through the medium of Irish. Their rights must be protected.**

The Motion on being put to the vote was declared carried with voting:

For 28; Against 9; Abstentions; 0.

Subsequently Councillor Campbell Moved, Councillor Carlin Seconded and the Council

**Resolved**      **That this Council calls for the introduction of Acht na Gaeilge as promised in the St Andrews Agreement. We recognise the need to have the indigenous language of this island protected in legislation. We also recognise that Acht na Gaeilge is important in the context of protecting rights, showing recognition and demonstrating respect. In this council area, there is a fast growing Irish Language community; including the 563 children who are being educated through the medium of Irish. Their rights must be protected.**

**C114/18      Notice of Motion – British Armed Forces**

Councillor Donnelly Moved, Seconded by Councillor Gallagher

**That**              **Given the history of British imperialism in Ireland, this Council calls on local educational facilities for children and young people to refuse British Armed Forces access to children/pupils as part of their attempt to glamourise/recruit for their imperialist ventures.**

Following a request for a recorded vote the voting was as follows:

For – Councillors Campbell, Carlin, Carr, Cooper, Donnelly, Duffy, Fleming, Gallagher, McCauley, Jackson, C Kelly, D Kelly, Logue, McGinley, McGuire, M McHugh, R McHugh, McKnight, O'Reilly and Robinson – 20.

Against – Aldermen Bresland, M Hamilton, R Hamilton, Hussey, Kerrigan, McClintock, Ramsey, Thompson and Warke – 9.

Abstentions – Councillors Boyle, Cusack, Dobbins, Gardiner, Hastings, McKeever, Reilly and Tierney – 8.

The Motion was therefore carried.

Councillor Donnelly Moved, Seconded by Councillor Gallagher and Council

**Resolved** That given the history of British imperialism in Ireland, this Council calls on local educational facilities for children and young people to refuse British Armed Forces access to children/pupils as part of their attempt to glamourise/recruit for their imperialist ventures.

**C115/18 Notice of Motion – Ashbrook at Risk Adults Growing Project**

Councillor McKeever Moved, Seconded by Councillor Hastings.

**That** that this Council liaise with the WHSCT immediately to seek re-establishment of the Ashbrook at Risk Adults Growing Project which has been recognised widely as a model of best practice under its own autonomy and with its own service level agreement.

The Motion on being put to the vote was carried unanimously.

Subsequently Councillor McKeever Moved, Councillor Hastings Seconded and the Council

**Resolved** that this Council liaise with the WHSCT immediately to seek re-establishment of the Ashbrook at Risk Adults Growing Project which has been recognised widely as a model of best practice under its own autonomy and with its own service level agreement.

**Open for Information**

**C116/18 Resolution from Another Council**

The Lead Democratic Services and Improvement Officer presented the above report, a copy of which had previously been circulated to Members. The purpose of the report was to advise Members of a Resolution received from Fermanagh and Omagh District Council.

Members noted the content of the report.

## **C117/18 Responses to Motions**

The Chief Executive presented the above report, a copy of which had been previously circulated to Members. The purpose of the report was to advise Members of correspondence received in relation to Motions passed by Council.

Members noted the content of the report.

## **C118/18 Seal**

Alderman R Hamilton Moved, Councillor Boyle Seconded and the Council

**Resolved that the seal of the Council be affixed to the following documents**

### **Sealing List March 2018**

#### Documents Sealed 16<sup>th</sup> February 2018

Agreement in duplicate:- Derry City and Strabane District Council ~and~ GVA Grimley Ltd  
Relating to Appointment of Retail Planning Consultant for DCSDC Local Development Plan 2032 - Retail Capacity, Health Checks and Policy Support - TENV17-110

#### Documents Sealed 2<sup>nd</sup> March 2018

Deed of Dedication in triplicate:- Derry City and Strabane District Council and The Executive Office relating to Invest in Play Project land at Ballyarnett, Derry.

#### Documents Sealed 14<sup>th</sup> March 2018

Licence Agreement - Stadium Match Night in duplicate:- Derry City and Strabane District Council ~and~ Derry City Football Club Ltd relating to The Brandywell Stadium, Lone Moor Road, Derry, BT48 9LA.

Licence Agreement - Non-Stadium in duplicate:- Derry City and Strabane District Council ~and~ Derry City Football Club Ltd relating to The Brandywell Stadium, Lone Moor Road, Derry, BT48 9LA.

#### Documents Sealed 29<sup>th</sup> March 2017

#### Grant of Right of Burial in Ballyoan Cemetery

Mrs Lily Doherty, 41 Primity Park, L'derry, BT47 2RQ.  
Mrs Maria Coll, 1 Rosstown Drive, Derry, BT47 5PR.

Ms Dorothy Kerr, 1 Drumberley Road, Drumaquin, BT78 4UF.  
Mrs Isabel Evans, 24c Curryfree Road, Derry, BT47 1AD.  
Mr Steven McKay, 32 Drumahoe Road, Derry, BT47 3SD.

Grants of Right of Burial in City Cemetery

Ms Roisin Ferry, 21 Wesley Street, Derry, BT48 0HE.  
Mr William Bonner, 74 Westway, Derry, BT48 9TL.  
Mr Michael Fox, 17 Bellfield Park, Derry, BT48 0NL.  
Mrs Philomena McLaughlin, 476 Carnhill, Derry, BT48 8BQ.  
Mr Eugene McLaughlin, 100 Hatmore Park, Derry, BT48 0AF.  
Mr Tony Brown, 13 The Meadows, Derry, BT48 8RJ.  
Mr Michael McFadden, 2 Drumleck Gardens, Derry, BT48 8EP.  
Ms Rita Heaney, 59 Rosnagalliagh, Derry, BT48 8GE.  
Mrs Mamie Prince, 8 Meenan Drive, Derry.  
Mrs Bridgid O'Reilly, 10 Beechwood Avenue, Derry, BT48 9LP.  
Ms Kathleen Meenan, 50 Rathlin Drive, Derry, BT48 9RT.  
Mr Bobby Brown, 32 Iniscarn Crescent, Derry, BT48 9PY.  
Rosemary Johnston, 34 Longtower Court, Derry, BT48 6RH.  
Ms Patricia Bryce, 8 Belvedere Park, Foyle Springs, Derry,  
BT48 0NL.  
Ms Sarah McGuire, 31 Tyrconnell Street, Derry, BT48 9JL.  
Mrs Ann Nicell, 80 Elmgrove, Derry, BT48 0AN.  
Ms Leann Burke, 28 Magowan Park, Derry, BT48 9SJ.  
Mrs Ann Millar, 23 Earhart Park, Derry, BT48 8FN.  
Mrs Mary Harrigan, 47 Culmore Park, Derry, BT48 8JB.

Grants of Right of Burial in Strabane Burial Ground

Margaret Tighe, 52 Fountain Street, Strabane, Co Tyrone, BT82  
8JG

Grants of Right of Burial in Urney Burial Ground

Helen Smith, 1 Westway, Sion Mills, Strabane, Co Tyrone, BT82  
9FF

Grants of Right of Burial in Mountcastle Burial Ground

Victor Kitson, 25 Gortmellon Rd, Cullion, Londonderry, BT47 2SW  
Julie Leonard, 54 Donagheady Road, Bready, Strabane, Co  
Tyrone, BT82 0DB

**C119/18 Local Government Act (Northern Ireland) 2014 – Confidential  
Business**

Councillor Hastings Moved, Councillor R McHugh Seconded and the  
Council

**Resolved that in accordance with Section 42, Sub  
Sections (2) or (4) of the Local Government Act  
(Northern Ireland) 2014, the press and**

**members of the public be asked to withdraw whilst the Council discuss the following matters:**

- (a) Adoption of the Confidential Minutes of the Meeting of Derry City and Strabane District Council held on 22 February 2018;**
- (b) Adoption of the Confidential Minutes of the following Committees**
  - (i) Monthly Governance and Strategic Planning Committee held on Tuesday 6 March 2018.**
  - (ii) Monthly Planning Committee held on Wednesday 7 March 2018.**
  - (iii) Monthly Assurance, Audit and Risk Committee held on Thursday 8 March 2018.**
  - (iv) Monthly Business and Culture Committee held on Tuesday 13 March 2018.**
  - (v) Monthly Environment and regeneration Committee held on Wednesday 14 March 2018.**
  - (vi) Monthly Health and community Committee held on Thursday 15 March 2018.**

**The Meeting then went into Confidential Business**

**The Meeting terminated at 7.15pm.**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## Derry City and Strabane District Council

**Open Minutes of Governance and Strategic Planning Committee held in the Council Chamber, Guildhall, Derry on Tuesday 10 April 2018 at 4.00 pm.**

**Present:- Councillor Fleming (in the Chair), Aldermen Hussey, Kerrigan, Ramsey and Thompson; Councillors Boyle, Cooper, Donnelly, C Kelly, McKeever, McKnight, McMahon, Robinson and Tierney.**

**Non-Members of Committee:- Aldermen Devenney and M Hamilton and Councillors Carr and P Kelly.**

**In Attendance: Chief Executive (Mr J Kelpie), Director of Health and Community (Mrs K McFarland), Lead Assurance Officer (Mrs D McDonnell), Lead Democratic Services and Improvement Officer (Miss E Cavanagh), Business Support and Change Manager (Mrs R Craig) and Committee Services Assistant (Ms N Meehan).**

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### **GSP54/18 Notice and Summons for Meeting**

The Chief Executive read the Notice and Summons for the Meeting.

### **GSP55/18 Apologies**

There were no apologies for absence.

### **GSP57/18 Declarations of Members' Interests**

The Chairperson, Councillor Fleming declared an interest in items 17 – North West Regional Development Group and 18 – Correspondence – Citizens Advice NI.

### **Open for Decision**

### **Chairperson's Business**

### **GSP58/18 Condemnation – Attack on Councillor Campbell's Home**

The Chairperson condemned outrightly the attack at the home of elected representative, Councillor Campbell and his family which had taken place over the weekend. He stated that many would recognise

the excellent work carried out by Councillor Campbell in his constituency and in the wider district. He stated that those responsible for such a misdemeanour had much to answer for. He continued that many had acknowledged Councillor Campbell's contribution to the local community and had shown their solidarity to Councillor Campbell and his family. He extended Council's best wishes to Councillor Campbell and his family at this time.

There was a consensus of support in opposition to the recent attack at the home of Councillor Campbell.

Alderman Devenney said the attack at Councillor Campbell's home was deplorable as were attacks on any member of the community. He stated that all such issues should be referred to the PSNI for investigation. He questioned alleged events which had taken place following the attack at Councillor Campbell's home when a property was visited by a number of high profile Sinn Fein members, which, if proven, was not the correct way to handle the situation. He said he understood that the attack at Councillor Campbell's home was in response to his condemnation of an attack on the PSNI the previous weekend.

Councillor Donnelly referred to the unfortunate increase in this type of attack which he condemned. He said he was also aware of an alleged visit by senior members of Sinn Fein to a property following the attack on Councillor Campbell's home which he also condemned. He expressed concern at large scale attacks on homes by the PSNI and the British State which in many cases involved young children and caused fear and insecurity within the community.

Councillor Tierney concurred with the comments made by the Chairperson regarding the attack at Councillor Campbell's home and referred to the need to send Council's support to Councillor Campbell and his family. He referred to a vigil which himself and a number of his SDLP colleagues had attended at the home of Councillor Campbell to show their opposition to this type of attack. He said such attacks had a long lasting impact on those affected.

Alderman Hamilton supported Members comments in regards to the condemnation of the attack as did Councillor P Kelly.

Alderman Thompson on behalf of DUP also condemned the attack which he described as disgraceful and said it was important that all

available information was given to the PSNI. He welcomed the statement from senior Loyalists confirming their support for law and order.

**GSP59/18    Condemnation – Hawthorn Drive**

The Chairperson condemned the recent hoax attack on the local community at Hawthorn Drive and the subsequent damage arising therefrom.

**GSP60/18    Confirmation of the Open Minutes of the Governance and Strategic Planning Committee held on Tuesday, 6 March 2018**

The Open Minutes of Meeting held on 6 March 2018 (GSP35/18-GSP48/18) were submitted.

Alderman Hussey referred to Minute GSP43/18 of the Minutes wherein it indicated that he had both proposed and seconded the proposal

Alderman Thompson advised that he had been recorded as present at the Meeting although he had not been in attendance.

It was agreed that the Minutes would be amended accordingly.

The Open Minutes of Meeting held on 6 March 2018 (GSP35/18-GSP48/18), as amended, were subsequently accepted and adopted.

**Matters Arising**

**GSP61/18    Measuring the Impact of UK City of Culture 2013 (GSP41/18)**

In response to a query from Alderman Hussey, the Chief Executive confirmed that a response had not yet been received from the Department for Communities regarding the Belfast Jobs Fair.

**GSP62/18    Displays Bearing the Council Logo (GSP42/18)**

In response to a query from Alderman Hussey, the Chief Executive confirmed that at the previous Meeting it had been agreed that no action be taken at this stage regarding the above issue.

**GSP63/18    Ten Month Financial Outturn (GSP43/18)**

Alderman Hussey requested that the proposals in relation to the proposed enhancement works to the Castle site at Castlederg be displayed in the area together with a timetable in respect of the said works.

The Chief Executive advised that an Officers Meeting of Capital Projects had been scheduled for later that week when he undertook to discuss the most appropriate method of displaying this information and liaise accordingly with Members of the district electoral areas.

### **GSP64/18 Rates Support Grant**

The Lead Assurance Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to update Members on recent correspondence in relation to Rates Support Grant and to endorse continued engagement both at Officer and Member level to restore this vital grant to its original level.

Councillor Boyle stated that the situation was as had been predicted which was very disappointing. He concurred with the sentiments expressed in the recommendation and suggested that the proposed meeting be arranged without delay. He continued that regardless of any discussions which had taken place regarding the cuts to the Rates Support Grant the debilitating impact on those seven Councils affected had not been acknowledged. He referred to the need for this to be stressed in the strongest possible terms.

Councillor Cooper concurred with the previous speaker's comments. He stated that the sum of money which Council had been able to leverage through the Rates Support Grant would be removed which he regarded as rather senseless. He also referred to an issue in terms of equality in that the seven least wealthy Councils were being affected.

The Committee

**Recommended (a) that Members note the recent correspondence and engagement continues to take place on all fronts at both an officer and Member level in relation to restoring this grant to its' original level of £18.3 m; and**

**(b) that the Chief Executive again writes on behalf of the 7 impacted Councils to both the Secretary of State for Northern Ireland and the Permanent Secretary of the Department for Communities urgently requesting a 7 Council officer and Member delegation in relation to the impact of Rates Support Grant cuts now that the Department's financial position has been confirmed.**

**GSP65/18    Establishing an Adverse Weather Group**

The Lead Assurance Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek Members' nominations for the establishment of an Adverse Weather Working Group.

The Committee

**Recommended      that Alderman Hussey and Councillors Donnelly, McKnight and Reilly be nominated onto the Adverse Weather Working Group.**

Alderman Thompson advised that the DUP would put forward their nomination at a later stage.

**GSP66/18    Data Protection Policy**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek Members' views and approval for the draft Data Protection Policy set out in Appendix 1.

The Committee

**Recommended      that the Draft Protection policy is approved.**

**GSP67/18    Draft Performance Improvement Plan 2018/19**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek comments and approval to release for consultation the draft Performance Improvement Plan 2018/19 as set out in Appendix 1.

In response to a request from Councillor Cooper, the Lead Democratic Services and Improvement Officer undertook to provide a uniformed approach in terms of the list of achievements in respect of the various Directorates.

The Committee

**Recommended that subject to Members' comments, approval is given to release for consultation the Draft Performance Improvement Plan 2018/19 as set out in Appendix 1.**

**GSP68/18 Members of Organisations/Associations 2018/19**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek elected Member approval in relation to the continued membership of a number of organisations/associations.

The Committee

**Recommended that membership of the organisations/associations is maintained for 2018/19.**

**GSP69/18 Nominees for NILGA Local Planning Programme for Elected Members**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek two elected Member nominees to undertake the pilot NILGA Local Planning Programme for elected Members and to approve associated travel costs incurred by these Members.

Councillor McMahon advised that Sinn Fein would make their nomination at the April Council Meeting.

Councillor Tierney nominated Councillor Boyle on behalf of the SDLP.

Alderman Hussey queried if a vote would be required if a third nomination was put forward.

Councillor Boyle said it was unfortunate that Council were not permitted to have more than two nominations which he suggested was due to the cost involved. He undertook to share with all Members whatever knowledge he gained through his attendance at the Programme which he regarded as the most appropriate way to proceed.

Alderman Hussey acknowledged the relevance of the programme in terms of planning however having read through the programme's content he felt it was relevant to all Members of Council and anticipated that any information would be distributed accordingly.

Councillor Donnelly queried if the positions should be filled by persons other than the Chairperson and Members of the Planning Committee.

Alderman Thompson suggested that this matter be referred to the April council Meeting and in the meantime Officers ascertain if Council could submit additional nominees to attend the Programme.

Alderman Hussey expressed concern that the initial meeting scheduled for April 22 would take place before the April Council Meeting. He said his Party would not be putting forward a nomination he was concerned however in regard to the distribution of information arising from the Programme.

The Committee subsequently

**Recommended that this matter be deferred to the April Council Meeting when Members nominations to attend the Programme would be ratified.**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to consider Member attendance at the Driving Government Locally Summit.

In response to a request from Alderman Hussey it was agreed that he be permitted to attend the Conference without claiming travelling expenses.

The Committee

- Recommended**
- (a) that the Council's nominated representatives on Nilga are approved to attend this conference and that these Members share the knowledge acquired with other Members through the Post Conference Feedback process; and**
  - (b) Alderman Hussey be approved to attend this Conference.**

**GSP71/18 Schedule of Meetings**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek elected Members' approval for the proposed schedule of meetings for 2018/19 as set out in Appendix 1.

The Committee

- Recommended**
- that, subject to modifications due to public holidays and other circumstances, the meetings schedule for 2018/19, set out in Appendix 1 is adopted.**

**GSP72/18 Language Working Group – Review of Options for Language Usage on Council Branding and Signage**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to consider three options which had been identified by a dedicated Language Working Group

whose task it was to review the Council's existing language policies in respect of Irish and Ulster-Scots.

Alderman Ramsey stated that since this situation had arisen discussions had taken place with a number of interested groups regarding the possibility of a hasty decision being made by Council on such a culturally sensitive issue which must be seen to have been considered fully, fairly and inclusively. He continued that any suggestion that this was not the case had the potential to re-open arguments which his Party felt Council had moved beyond and create barriers to building on the progress which had been welcomed by most of the people and their representatives in this Council area.

Alderman Ramsey referred specifically to the submission put forward by the North West Cultural Partnership which questioned or contradicted elements of the report originally submitted to the Committee. He stated that Party Leaders had received a copy of this new submission.

Alderman Ramsey referred to a number of issues which had been raised in relation to the process, understanding of the complexity of the various different languages and heritage shared within the Council area and the limited nature of the original consultation which his Party viewed as inadequate given the complexity of the subject.

Alderman Ramsey referred to the significance of 10 April in the history of Northern Ireland and the Republic, the anniversary of the Good Friday agreement and suggested that a proposal to defer the decision was in the spirit of the agreement.

Councillor McMahon stated that over recent days a number of stakeholders had expressed their concern regarding this matter and his Party felt there was a need for further consideration in order to gain a wider range of views.

Alderman Ramsey Moved, Councillor McMahon Seconded

**That any decision to change the current Language Policy be deferred and in the meantime Council put in place a process whereby it could become more fully informed about the heritage and culture of the various groups that contributed to the development of this area and the linguistic elements which they**

**brought to the area, much of which was used on a daily basis.**

Councillor Boyle questioned any suggestion that Council was being hasty in making a decision given the significant consideration attributed to this process. As such he did not regard the request to defer a decision as reasonable and suggested that more time might not provide a positive outcome. He stated that there was an expressed view by the Working Group to identify an appropriate policy which would work for all.

Alderman Hussey concurred with the sentiments expressed by the previous speaker that a considerable amount of work had already been carried out within the Working Group. However, he did not feel that the process had reached its conclusion. He concluded that much more work was still required in order that a satisfactory outcome could be achieved and as such agreed that the matter be deferred.

Councillor Donnelly sought clarification as to why and where this matter was being deferred. He stated that a considerable amount of time and effort had already gone into the review process through the Language Working Group including discussion with Ulster Scots representatives none of which had been rushed or hasty.

Alderman Ramsey suggested that the process involved a significant amount of learning with greater diversity existing than what was actually apparent and referred to the need to endeavour to reach a position agreeable to all sections of the community and which was in compliance with the Good Friday agreement. He said he was requesting that the matter be deferred to include a wider range of people to assist in the review process and achieve a favourable outcome for all.

In response to a query from Councillor Donnelly, Alderman Ramsey stated that the process would take as long as was necessary in order to achieve a satisfactory outcome for all involved.

Alderman Devenney expressed his support for the deferral of the process to allow further discussion with interested groups. He stated that when Council had initially agreed to a tri-lingual language policy it had delivered a positive message to all which had been built upon. He suggested that if Ulster Scots were to be removed from Council

signage this would not be regarded favourably by the Unionist community.

The above proposal was put to the vote and declared carried their voting – For – 11; Against – 2.

Subsequently Alderman Ramsey Moved, Councillor McMahon Seconded and the Committee

**Recommended**      **that any decision to change the current Language Policy be deferred and in the meantime Council put in place a process whereby it could become more fully informed about the heritage and culture of the various groups that contributed to the development of this area and the linguistic elements which they brought to the area, much of which was used on a daily basis.**

### **Open for Information**

#### **GSP73/18      Consultation: Framework of Future Provision for Children in the Early Years with Special Educational Needs**

The Lead Democratic Service and Improvement Officer presented the above report a copy of which had previously been circulated. She stated that the purpose of the report was to advise Members of the consultation issued by the Education Authority on the proposed Framework of Future Provision for Children in the Early Years with Special Educational Needs.

Members noted the information contained in the report.

#### **GSP74/18      North West Regional Development Group – Minutes**

The Business Support and Change Manager presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to provide Members with an update on the following meetings of the North West Regional Development Group held on 24 January 2018.

Members noted the content of the report.

**GSP75/18 Correspondence – Future of Citizens Advice from 1 April 2018**

The Lead Democratic Services and Improvement Officer presented the above report a copy of which had previously been circulated. She stated that the purpose of the report was to advise Members of correspondence received from the Citizens Advice Northern Ireland.

Members noted the content of the report.

The Meeting terminated at 5.20 pm

## Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held in the Council Chamber, Derry Road, Strabane on Wednesday 11 April 2018 at 2.00pm.

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**Present:** - Councillor D Kelly (Chairperson), Alderman Bresland, M Hamilton, Kerrigan, McClintock; Councillor Boyle, Dobbins, Gardiner, Hastings, Jackson, Logue, McCauley, McGuire and R McHugh.

**In Attendance:** - Director of Environment & Regeneration (Mrs K Phillips), Head of Planning (Ms M Fox), Lead Legal Services Officer (Mr P Kingston), Development Officer, (Mr E Molloy) Principal Planning Officers: (Mrs S McCracken, Mrs A McNee, Mr P McCaughey), Senior Planning Officers: (Mrs R McMenamin, Mr K Donaghey, Mrs A Moyne).

**Business Officer (Mrs L McKean) Committee Services Assistants (Mrs J Short and Ms E Bell).**

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**P63/18 Notice and Summons for Meeting**

The Head of Planning read the Notice and Summons for the Meeting.

**P64/18 Member Attendance and Apologies**

There were no apologies.

**P65/18 Declaration of Members' Interests**

Councillor Logue declared an interest in planning application LA11/2016/1084/F.

### Open for Decision

#### **Chairperson's Business**

**P66/18 Late Information Received re. Planning Applications:  
LA11/2017/0242/F, LA11/2017/0301/F, LA11/2017/0298/LBC**

The Head of Planning referred to the above planning applications for decision and reported that late information had been received to be

reviewed by Members before presentation by the Planning Officer later in the meeting.

**P67/18 International Conference on Mining and Other Extractive Industries on Saturday 14 April 2018 at 10am, Greenvale Hotel, Cookstown**

The Chair referred to the above conference and asked Members to forward the names of attendees from their respective party to the Planning Section the next morning, so to complete the booking process.

**P68/18 Confirmation of the Open Minutes of the Planning Committee Meeting held on Wednesday 7 March 2018**

The Open Minutes of the Planning Committee meeting held on 7 March 2018 (P41/18-P59/18) were agreed and signed by the Chair of Committee.

**P69/18 Matters Arising**

There were no matters arising from the minutes of Planning Committee meeting held on 7 March 2018.

**P70/18 Confirmation of the Open Minutes of the Special Planning Committee Meeting held on 20 March 2018**

The Open Minutes of the Special Planning Committee meeting held on 20 March 2018 (SP07/18-SP12/18) were agreed.

**P71/18 Matters Arising**

There were no matters arising from the minutes of Special Planning Committee meeting held on 20 March 2018.

The meeting was adjourned for 30 minutes to allow Members to review late information received in relation to planning applications to be presented as agenda items.

**P72/18 Planning Application List with Recommendation for Decision**

The following planning applications for decision were presented by the Planning Case Officers:

**DEFERRAL / OVERTURN / RECONSIDERED APPLICATIONS**

**LA11/2016/0140/F: Proposed demolition of existing shed and construction of 1 two storey dwelling house, for association with existing shop at 32 Barrack Street, Strabane.**

The Planning Officer presented the above application details of which had been previously circulated to Members. An overview of the current status of the application was provided, as outlined in detail within the report and based on material consideration and planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor McGuire moved, seconded by Councillor Hastings to support the recommendation to approve the application.

The outcome of the vote: For 11, Abstention 1. The proposal was carried.

The Committee

**Resolved that planning application LA11/2016/0140/F be granted planning approval subject to the conditions as outlined within the report.**

**DEFERRAL / SITE INSPECTION**

**LA11/2017/0733/O: Proposed Dwelling and Garage at lands approx 30m West/North West of No 51 Towncastle Road, Hollyhill, Strabane.**

The Planning Officer presented the above planning application, details of which had been previously circulated to Members. An overview of the application was provided and based on material consideration and in line with planning policy it was recommended to refuse planning permission, for reasons as outlined within the report.

Mr Chris Cassidy, Agent addressed the Committee and outlined reasons to approve planning permission.

Discussion ensued after which Councillor McGuire expressed the view that he disagreed with the interpretation of the refusal reasons in line with planning policy and therefore proposed not to accept the PO's

recommendation to refuse planning permission. Councillor Boyle seconded the proposal.

The outcome of the vote; For 9, Against 3, Abstention 1. The proposal was carried.

The Committee

**Resolved that planning application LA11/2017/0733/O be reconsidered and returned to a future Committee meeting**

**LA11/2015/0651/F: Construction of a 2 No. turbine extension to the existing Monnaboy Wind Farm (consented under planning reg. ref A/2009/0868/F), each turbine will have a hub height not exceeding 80M and blade diameter not exceeding 82.4m, associated access tracks, underground cabling, temporary construction compound, associated works and use of the existing passing bays along the Monnaboy Road and the Dunlade Road at Monnaboy Wind Farm on land located east of 62 Monnaboy Road, Greysteel.**

The PO presented the above application, details of which had been previously circulated to Members. He provided an overview of the current status of the application and recommended an approval subject to the conditions as outlined within the report.

Councillor Dobbins joined the meeting.

Councillor Fleming (Non-Committee Member) was in attendance at the meeting to speak on behalf of the objectors to the application.

Councillor McGuire queried the community benefits and the ROCs benefits payable and sought clarification on the current renewable energy targets and if it was being met.

Councillor Jackson referred to cumulative impact and suggested a site meeting be requested so to assist in the decision making process for Members.

Discussion ensued after which Councillor McGuire moved, seconded by Alderman McClintock to defer a decision pending clarification on statistics.

The Committee

**Resolved that planning application LA11/2015/0651/F be deferred for points of clarification on current renewable energy targets and presented at a future Meeting.**

**LA11/2017/0301/F: Refurbishment of existing Grade B Listed Former Railway Station to provide accommodation for an Active Transport Hub for Translink including Passenger Facilities, Café, Retail Space, Staff Facilities and Office Accommodation. Redirection of train lines to suit 2 No. new station platforms and 1 No. siding. Associated car parking, public realm and external landscaping at Waterside Railway Station, Duke Street, Londonderry.**

**LA11/2017/0298/LBC: Demolition of late 1980s middle insertion, and repair and refurbishment works to the west and east original building and the station shed. New platform and canopy to side and north of building. New modern entrance and new ground floor accommodation within shed. Works to provide accommodation for an Active Transport Hub for Translink including passenger facilities, café, retail space, staff facilities and office accommodation. Redirection of train lines to suit 2 No. new station platforms and 1 No. siding. Associated car parking, public realm and external landscaping at Waterside Railway Station, Duke Street, Londonderry.**

The PO presented the above two number applications, details of which had been previously circulated to Members. She provided an overview on the background to the applications and based on material consideration and in line with planning policy recommended to approve both applications subject to the conditions as outlined within the report. Late information was also considered by the PO.

Mr Anderson, Ulster Architectural Heritage and Mr McBride both addressed the Committee and outlined their concerns and reasons not to support approval of the applications.

Mr Anderson in response to Councillor Boyle explained that the potential for a tourism asset was welcomed, however it was preferable

that the Victorian experience offered by the existing building was retained and trains had entry into the station. He further added that it was his understanding that the project brief had not included a heritage component in the consultation process and it was disappointing in light of such an exceptional application. He suggested that Translink apply for an exemption to permit trains to enter the building.

Mr Stinson, Agent acting on behalf of Translink addressed the Committee and outlined reasons for the application to be approved.

Mr Stinson in response to Alderman McClintock clarified that as a condition the applicant is required to submit a Parking Management Strategy for the park and ride facility, prior to the operation of the development.

Following question the Head of Planning advised that the Parking Management Strategy condition was required in order to address long-term sustainability of park and ride in City Centre in the progression of the Local Development Plan dealing with the future location of park and ride facilities members may wish to consider a temporary time limit as a condition. She also reminded Members that such matter needed to be balanced and weighed in the consideration which offered a major regeneration opportunity for the City and re-use of a vacant listed risk building.

Mr Stelfox, Consarc Architects responsible for development design clarified for Councillor Gardiner that the application facilities would provide a service to meet the demands of passengers for that area and it would not be an unused vast retail space. He further advised that the design application had been discussed with relevant statutory bodies and a judgement call was made and to bring trains into the station would minimize the use of the facility for passengers and also the development was subject to safety regulations.

Councillor Jackson commented that although he understood the objector's concerns he was in favour of the proposal in terms of bringing the derelict building back to purpose and would encourage people to travel to the city.

Councillor Boyle queried the scale of the retail element, the Riverside Strategy in the Derry Area Plan and the reason why trains were not entering the building.

The Head of Planning outlined to Members the Riverside Strategy guidance and weight that should be attached to this as the Strategy is not LDP policy only supplementary guidance.

Councillor Gardiner commented that she was in opposition to the proposal because the facility would not improve connection to the city and only created another area of open space. She expressed concern and said that it was shameful to even consider a proposal that would not protect the natural heritage of the city. Councillor Gardiner made a proposal not to accept the officer's recommendation to approve.

Councillor Gardiner moved, seconded by Councillor Boyle not to accept the PO's recommendation to approve planning permission.

Councillor Jackson moved, seconded by Alderman McClintock to accept approval of application LA11/2017/0301/F. The outcome of the vote; For 9, Against 2, Abstention 3. The proposal was carried and the previous proposal was defeated.

Councillor Jackson moved, seconded by Alderman McClintock to accept approval of application LA11/2017/0298/LBC. The outcome of the vote; For 9, Against 2, Abstention 3. The proposal was carried.

The Committee

**Resolved that application LA11/2017/0301/F and LA11/2017/0298/LBC be approved planning permission subject to the conditions as outlined within the report.**

**LA11/2015/0381/F-Proposed change of use, extension and alterations involving partial demolition of rear return to 33 Waterloo Street and 14 Harvey Street. Work to provide new public bar at ground floor level and toilets over at first floor level and new emergency escape stair at both ground and first floor level, all connected to the adjoining licensed premises at 27-31 Waterloo**

**Street. Emergency stair terminating at lower ground level. Works also include internal alterations at second floor level within 27-31 Waterloo Street to provide new toilet facilities (amended proposal) at Numbers 27-33 Waterloo Street and 14 Harvey Street, Derry.**

Councillors Boyle and McCauley left the meeting.

The Planning Officer (PO) presented the above application, details of which had been previously circulated to Members. He provided a synopsis of the application and advised that upon assessing the elements of the application against relevant planning policy a recommendation was given to approve planning permission, subject to the conditions as outlined within the report.

Mr Kennedy addressed the Committee on behalf of the applicant in support of the application.

In response to a request from Councillor Dobbins, the PO clarified that condition 2 within the report had been imposed to ensure that once completed, the residential amenity of surrounding properties would be protected from the impact of noise from the proposed development. He added that failure to comply with the Noise Verification Report would be addressed by the enforcement team. The Lead Legal Services Officer also commented that the Noise Verification Report could only be carried out once the proposal had been completed and would allow Council to ensure promised measures had been put into place.

Following a request from Councillor Logue, the Head of Planning suggested that condition 6 could be amended to include the emptying of bottles into bins only being allowed between the hours of 8am to 6pm.

In response to further requests from Councillor Logue, the PO commented that a Service Management Plan would not be specific and precise enough to add as a condition for planning permission. He also highlighted condition 3 stating that this condition should provide noise management at quantifiable levels.

The Director of Environment and Regeneration added that the Environmental Health section would also have powers of investigation if noise became a problem.

Councillor Dobbins highlighted concerns surrounding potential archaeological works at the site, she also highlighted her concerns that enforcement was carried out correctly.

The Head of Planning stated in conjunction with separate Environmental Health legislation powers and correct wording of the planning conditions would give Council opportunities for enforcement should the need for enforcement arise.

In response to questions from Councillor Hastings, the PO confirmed that smoking provision was already available in the existing building and the proposal would not add to that. He also confirmed that the application was subject to the same conservation guidelines as any other proposal and was the materials use within the application were consistent with the historic materials already in place.

Councillor Logue moved, seconded by Councillor Dobbins to support the recommendation and approve planning permission, subject to the conditions as outline within the report. The voting was unanimous in favour of the proposal.

The Committee

**Resolved that application LA11/2015/0381/F be approved planning permission, subject to the condition as outlined within the report and to amend condition 6 to include emptying of bottles into bins only being allowed between the hours of 8am to 6pm.**

**LA11/2015/0383/DCA-Proposed demolition of a section of unstable rear return to 33 Waterloo Street and 14 Harvey Street from ground floor level in 33 Waterloo Street up and including the existing pitched and flat roof construction. The element of the existing rear return to Waterloo Street and 14 Harvey Street from ground floor level in 33 Waterloo Street down to Harvey Street to be retained. The proposed extension and alterations application lodged with this application covers the new elements of proposed construction to replace the areas proposed for demolition at 33 Waterloo Street and 14 Harvey Street, Derry.**

The PO presented the above application, details of which had been previously circulated to Members. He provided a synopsis of the application and advised that upon assessing the material evidence of the application against relevant planning policy a recommendation was given to approve planning permission, subject to the conditions as outlined within the report.

Councillor Logue moved, seconded by Councillor Dobbins to support the recommendation and approve planning permission, subject to the conditions as outline within the report. The outcome of the vote was unanimous in favour of the proposal.

The Committee

**Resolved that application LA11/2015/0383/DCA be approved planning permission, subject to the condition as outlined within the report.**

**LA11/2016/1084/F-Refurbishment and restoration of a vacant listed building (Former Convent) as a drop-in Justice Advice Centre, with part demolition to rear. A new build addition of ancillary conference and exhibition spaces to the rear with external amenity areas, and 14 No. supported apartments, plus the restoration of the detached former laundry as a café at 10-16 Pump Street, Londonderry.**

The PO presented the above application, details of which had been previously circulated to Members. He provided a summary of the application and advised that after analysis of the elements of the application against planning policy, a recommendation was given to approve planning permission, subject to the condition as outlined within the report.

Councillor Logue declared an interest in the above application stating that she represented the board of the Walled City Partnership.

Mr McCaughan gave a presentation to the Committee in objection to the application on behalf of The Playhouse.

In response to a question from Councillor Logue, Mr McCaughan responded that 5 doors belonging to the Playhouse exited onto the applicant's courtyard, adding that he felt this would create security issues for the applicant.

In response to a question from Councillor Gardiner, Mr McCaughan stated that he only disagreed with building on the courtyard and not to the redevelopment of the convent. He highlighted that this was the only remaining courtyard within the City walls and stated concerns over the lack of light and space, the impact of the development to vulnerable patrons of the Playhouse and the suitability of the development for residential use due to the 24 hour operation of the Playhouse.

In response to questions from Councillor Gardiner and Alderman M Hamilton. Mr McCaughan clarified that the Playhouse owned only part of the land surrounding its building within the Courtyard, the remainder was ownership of Foyle Women's Aid. He stated that the patrons of the Playhouse used the area for breaks and as a smoking area. He clarified that it was not used for access to the Playhouse.

Answering questions from Alderman McClintock and Councillor Gardiner, Mr McCaughan stated that the public right of way to the courtyard through the Playhouse would present security issues for both premises.

Mr Kelly (Agent) and Mr McAteer addressed the Committee in support of the application on behalf of the applicant.

In response to questions from Alderman McClintock, Mr Kelly stated that the proposed flats would be freestanding, locked down units with excellent security. He clarified that the flats would be accessed via an archway onto Pump Street and not via the right of way through the Playhouse.

Mr McAteer provided the specifications of the flats as follows in response to requests from Councillors Logue and Gardiner:

- 9 x 1 bedroom 1 person flats measuring 35 square metres.
- 3 x 1 bedroom 2 person flats measuring 50 square metres.
- 2 x 2 bedroom 4 person flats measuring 69 square metres.

He advised that these met Department of Social Development Guidelines and would be finished to a turnkey standard, equipped to the standard of a holiday let with fob access for security. He stated they would include full kitchens, bedrooms, bathrooms and living areas with a communal laundry facility in the basement. He also advised that outdoor space would be provided within the high quality landscaping

in the courtyard and atrium which joined the 2 buildings and confirmed that a public café would also be provided.

Councillor Logue noted concerns that the public element would compromise the safety of vulnerable women.

Councillor Gardiner noted the need for reintroducing vulnerable women to communities.

Following a question from Councillor Gardiner on the proximity of the flats to the playhouse, Mr McAteer indicated the shortest distance between the two was 4 metres and the longest point was 14 metres. He also commented that the rear of the Playhouse housed non habited rooms and that an Acoustics Report had not highlighted any sound impact issues.

Alderman McClintock raised concerns on how the public could access and some discussion ensued on this matter.

At this point Mr McCaughan requested to reply, the Chair declined this as it was against standing orders.

The Lead Legal Services Officers reminded Members to focus on planning policy issues.

In response to a request from Councillor Hastings, the PO confirmed that all planning policy requirements had been met by the application.

The Head of Planning clarified to Members that the issue of the access and ownership of the right of way was a matter of fact and for information and was not a planning consideration and that the Committee's role was to ensure that the proposal was achievable immaterial of ownership.

Councillor Dobbins moved, seconded by Councillor Gardiner to support the recommendation and approve planning permission, subject to the conditions as outlined within the report.

The outcome of the vote: For 10, Against 2. The proposal was carried.

The Committee

**Resolved that application LA11/2015/0383/DCA be approved planning permission, subject to the conditions as outlined within the report.**

**LA11/2017/0009/LBC-Refurbishment and restoration of a vacant listed building (former convent) as a drop-in Justice Advice Centre, with part demolition to rear. A new build addition of ancillary conference and exhibition spaces to the rear with external amenity areas, and 14 No. supported apartments, plus the restoration of the detached former laundry as a café at 10-16 Pump Street, Londonderry.**

The PO presented the above application, details of which had been previously circulated to Members. He provided an overview of the elements of the application and advised that after material consideration against relevant planning policy a recommendation was made to approve planning permission, subject to the conditions as outlined within the report.

Councillor Dobbins moved, seconded by Councillor Gardiner to support the recommendation and approve planning permission, subject to the conditions as outlined within the report.

The vote was unanimous in favour of the proposal. The proposal was carried.

The Committee

**Resolved that application LA11/2016/1084/DCA be approved planning permission, subject to the condition as outlined within the report.**

**LA11/2017/0242/F- Retention of conversion of two storey mid terrace single occupancy dwelling to a house of multiple occupancy at 20 Barry Street, Pennyburn, Derry, BT48 7PJ.**

The Principal Planning Officer (PPO) presented the above application, details of which had been previously circulated to Members. An overview of the application was provided and it was advised that after reconsideration of the application against relevant planning policy, a recommendation had been made to refuse planning permission for reasons as outlined within the report.

The Chair advised that a submission had been received from Mr Hegarty in support of the application on behalf of the applicant, which

Members had the opportunity to review before the meeting commenced.

The Head of Planning advised Member's that the original recommendation had been reconsidered and due to the nature of the small unit accommodation, nature of terraces in this locality and the proposed use as a house of multiple occupancy, the recommendation was changed to that of refusal.

Councillor Hastings moved, seconded by Councillor Logue to support the recommendation to refuse planning permission for reasons as outlined within the report.

The vote was unanimous in favour of the proposal. The proposal was carried.

The Committee

**Resolved that planning application LA11/2017/0242/F be refused planning permission, for reasons as outlined within the report.**

**LA11/2017/0733/O- Conversion of existing outbuilding and extension to provide dwelling on lands adjacent to and West of No 44 Lisleen Road, Killen, Castlederg.**

The PO presented the above application, details of which had been previously circulated to Members. The PO advised that this application was returning to the Committee following a site visit on the 14 February 2018. An outline of the application was provided and based on analysis of the facts against relevant planning policy a recommendation was made to refuse planning permission for reasons as outlined within the report.

The Chair considered concerns raised by Members and suggested a deferral of the application for one month to allow time for further clarification of CTY4 policy test and to establish if the proposal was the renovation of a traditional building and to get advice on: 1) a definition of "what constitutes an old building; 2) examples of older traditional buildings.

Discussion ensued after which Alderman Kerrigan moved, seconded by Councillor McGuire to defer the application for one month to allow a

review of the case. The outcome of the vote was unanimous in support of the proposal.

The Committee

**Resolved that application LA11/2017/0733/O be deferred for further review and presented at a future meeting.**

**LA11/2018/0009/O-Proposed site for infill dwelling and garage (Site B) on lands to the immediate east of 17 Corrickbeg Road, Plumbridge.**

The PO presented the above application, details of which had been previously circulated to Members. A brief outline of the application was provided and after material consideration in-line with planning policy a recommendation was given to approve planning permission, subject to the conditions as outlined within the report.

In response to a concern raised by Councillor Gardiner surrounding the similarity of this application to application LA11/2017/0773/O which was discussed earlier in the Meeting and was recommended for refusal. The Principal Planning Officer advised that this would be taken into account when reconsidering LA11/2017/0773/O.

In reference to application LA11/2018/0009/O, she stated that it would be clearly acceptable under Planning Policy Statement 21, given the plot size and minimal views of the site and existing substantially built-up frontage.

Discussion ensued, after which Alderman Bresland moved, seconded by Councillor McGuire to support the recommendation and approve planning permission, subject to the conditions as outlined within the report.

The outcome of the vote was unanimous support of the proposal.

The Committee

**Resolved that application LA11/2018/0009/O be approved planning permission, subject to the conditions as outlined within the report.**

**LA11/2018/0010/O- Proposed site for infill dwelling and garage (Site A) on lands 20m to west of 19 Corrickbeg Road, Plumbridge.**

The PO presented the above application, details of which had been previously circulated to Members. He gave an overview of the application and advised that having considered the application against relevant planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Alderman Bresland moved, seconded by Councillor McGuire to support the recommendation and approve planning permission, subject to the conditions as outlined within the report.

The outcome of the vote was unanimous in favour of the proposal. The proposal was carried.

The Committee

**Resolved that application LA11/2018/0010/O be approved planning permission, subject to the condition as outlined within the report.**

**LA11/2018/0165/F-It is proposed to vary the wording of planning condition no. 3 of J/2013/0297 to "The wind turbine installed shall be a Micon M530 turbine with generating capacity of 250kw located at Irish Grid Co-ordinates IGR236800 N397910 unless otherwise agreed in writing with the local planning authority, in consultation with Environmental Health", on lands approx 400m west of 53 Curly Hill Road, Strabane.**

The PO presented the above application, details of which were previously circulated to Members. He advised that the purpose of the application was to vary the wording of planning condition no.3 of application reference J/2013/0297. He recommended that after analysis of the evidence based on material consideration and against planning policy a recommendation be given to approve the proposal, subject to the conditions as outlined within the report.

Councillor McGuire moved, seconded by Councillor Jackson to support the recommendation and approve planning permission, subject to the conditions as outline within the report.

The outcome of the vote was unanimous support of the proposal. The proposal was carried.

The Committee

**Resolved** that the wording of application condition no.3 of application J/2013/0297 be amended to state "The wind turbine installed shall be a Micon M530 turbine with generating capacity of 2501Kw located at Irish Grid Co-ordinates IGR236800 N397910 unless otherwise agreed in writing with the local planning authority, in consultation with Environmental Health."

**Open for Information**

**P73/18 Appeals Update**

The Principal Planning Officer presented the above report, a copy of which had previously been circulated to Members. She advised that the purpose of the report was to appraise Members on planning appeals currently in the system.

The Committee

**Recommended** that Members note the update on the appeals.

**P74/18 Local Development Plan (LDP2032) Project Update**

The Principal Planning Officer presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update Members on the progress of stage 2a (towards Draft LDP Plan Strategy) of preparation of the Council's Local Development Plan (LDP 2032) and particularly to advise Members on the series of Committee Round-table Discussion sessions, progress with the various Governance structure and the main work plan items including consultancy projects.

The Committee

**Recommended** that Members note the contents of this LDP Project Update

**P75/18 List of Decisions Issued- March 2018**

The List of Decisions issued during the month of March 2018 were circulated to Members for information.

**The Meeting went into confidential business.**

**The Meeting terminated at 8.30pm.**

## Derry City and Strabane District Council

**Open Minutes of the Assurance, Audit and Risk Committee held in the Council Chamber, Guildhall, Derry on Thursday 12 April 2018 at 4.00pm.**

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**Present: - Councillor McGinley (In the Chair); Aldermen McClintock and Thompson; Councillors Donnelly, Duffy, Gallagher, Hastings, Kelly, McKeever, McMahon, O'Reilly, Reilly and Robinson.**

**Non-Members of Committee: - Alderman M Hamilton and Councillor Carr.**

**In Attendance: - Lead Assurance Officer (Mrs D McDonnell), Internal Audit Manager (Mr J Harrigan), Head of Environment (Mr C Canning), Independent Advisor (Mr T Jackson), Committee Service Assistant (Miss L Bell).**

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### **AAR36/18 Notice and Summons of Meeting**

The Lead Assurance Officer read the Notice and Summons for the Meeting.

### **AAR37/18 Member Attendance and Apologies**

Apologies were noted for Councillor Carlin.

### **AAR38/18 Declarations of Members' Interests**

Councillor McGinley and Alderman Thompson declared an interest in items 12 – 14.

### **Open for Decision**

#### **AAR39/18 Chairperson's Business**

There was no Chairperson's business.

#### **AAR40/18 Confirmation of the Open Minutes of the Assurance Audit and Risk Committee held on Thursday 8 March 2018**

The Open Minutes of the Assurance, Audit and Risk Committee (AAR24/18 – AAR32/18) were confirmed and signed by the Chair.

#### **AAR41/18 Matters Arising**

There were no matters arising.

**AAR42/18 Internal Audit Reports**

The Internal Audit Manager presented the above report, a copy of which had previously be circulated to Members. He advised that the purpose of the report was to update Members on the Internal Audit work carried out within Derry City and Strabane District Council in the period January 2018 to March 2018.

Councillor McMahon thanked Officers for the significant progress made in completion of the final follow up report of the Internal Audit of Property Management and also the final report of the Internal Audit of the North West Region Waste Management Group.

In response to questioning from Councillor McMahon, the Head of Environment informed Members that work on the Asset Management Strategy had commenced and he hoped to have this completed and brought to Committee by the end of the summer. He stated that the Asset Management Strategy would address issues such as the systematic approach to service, roles, functions, time frames and would include KPI data.

The Committee

**Recommended that Council endorse the contents of the report presented.**

**AAR43/18 Internal Audit Strategy 2018/2019**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to seek Member's comments and approval for the Internal Audit Strategy 2018/2019.

Councillor Duffy thanked Officers for the report stating that she was happy to endorse it. She also commented on the need to adapt plans as situations change in order to address unexpected issues.

The Committee

**Recommended that Council approve the draft Internal Audit Strategy for 2018/2019.**

**AAR44/18 Internal Audit Plan 2018/2019**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to seek Member's comments and approval for the Internal Plan for 2018/2019.

The Committee

**Recommended that Council approve the draft Internal Audit Plan for 2018/2019.**

## **Open for Information**

### **AAR45/18 Financial Auditing and Reporting: General Report by the Comptroller and Auditor General for NI -2017**

The Lead Assurance Officer presented the above report, a copy of which had been previously circulated to Member's. She advised that the purpose of the report was to advise Members of the General Report by the Comptroller and Auditor General for Northern Ireland on Financial Auditing and Reporting in 2017.

Councillor Donnelly referred to paragraph 3.1 in the report which highlighted "the need for public officials to maintain high standards of conduct in public life". He stated that he had been made aware of claims surrounding an alleged incident in the Creggan area of Derry. There was an allegation that in the wake of the arson attack on Cllr Campbell's car, members of Sinn Fein and a recently appointed Council officer called to a house nearby where an alleged incident occurred. Cllr Donnelly expressed concerns that the allegations surrounding the incident were being ignored by Council. Cllr Donnelly asked whether there were any implications for Council.

In response, the Chair informed Members that any complaints regarding this matter should be made through the appropriate avenues which was the Ombudsman.

The Lead Assurance Officer also commented that she was unaware of this incident however in general that complaints about Members are referred to the Ombudsman while complaints about Council officers should be referred to Council.

The Committee

**Recommended that Members note the contents of this report.**

**AAR46/18 Performance Improvement**

The Lead Assurance Officer presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the report was to update Member's in relation to the Council's Performance Improvement responsibilities.

The Committee

**Recommended that Members note the contents of this report.**

**AAR47/18 City of Derry Airport (CoDA) Internal Audit Reports**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of this report was to update Members on the Internal Audit work completed within CoDA Operations Ltd in line with the 2016/2017 CoDA Audit Plan and presented to CoDA's Assurance, Audit and Risk Committee.

The Committee

**Recommended that Members note the contents of the CoDA Internal Audit Reports.**

**AAR48/18 CoDA Annual Internal Audit Report 2016/2017**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update Members on the CoDA Annual Audit Report for 2016/2017 presented to CoDA's Assurance, Audit and Risk Committee.

The Committee

**Recommended that Members note the contents of the CoDA Annual Audit Report.**

**AAR49/18 CoDA Internal Audit Plan 2018/2019**

The Internal Audit Manager presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update Members on the CoDA internal Audit Plan for 2017/2018 presented to Coda's Assurance, Audit and Risk Committee.

Councillor Gallagher raised concerns surrounding the City of Derry Airport. He referred to the information which he had obtained from the website of the airport's management group, which had indicated that passenger numbers had fallen and expenditure had risen.

He stated that he did not feel Member's had been provided with adequate information to make a sound judgement on the airport's future. He asked what is in the contract for the management group of the airport? How much does it cost? What are we getting for this? What are the expected outcomes? Is it reviewed, monitored and evaluated? The figures are way short of what was expected. We are being asked to make decisions and I want to be presented with information on these questions. He stated that the rates bills were sent out last week but he didn't see anyone in this Council protecting the ratepayers. The airport business case is a complete disaster and we need information.

The Lead Assurance Officer clarified that the role of internal audit at the City of Derry Airport would be to provide assurance around the internal systems of control within the airport. The internal audit work review individual systems such as payroll. She indicated that the information which Councillor Gallagher requested would not be within the remit of the Internal Audit but explained that the issues and questions raised here will be brought back to the CoDA Board. The Lead Assurance Officer also explained that the key risks are also reflected in the external auditors annual audit report.

Cllr Gallagher stated that there were issues about the delivery of CoDAs objectives in that CoDA was not meeting its objectives. He stated that councillors were being asked to make decisions on £3M without the necessary information.

The Chair stated that the issues surrounding the City of Derry Airport needed to be addressed at the relevant Committee. He informed members that a report is to be presented to the Governance and Strategic Planning Committee in the coming months which would address some of the issues raised. He also stated that he felt some of the information which Councillor Gallagher had quoted didn't reflect the current situation. There have been steep declines in the aviation industry in recent years and the new report will reflect the accurate figures and the up to date position.

ClIr Gallagher stated that he would welcome a report coming in but there had been only two presentations on CoDA that he was aware of since he was elected. He stated that he will keep raising it as he is an elected member.

The Committee

**Recommended that Members note the CoDA  
Internal Audit Plan 2017/2018.**

**The Meeting then went into Confidential Business.**

**The Meeting ended at 4.25pm.**

**Signed:** \_\_\_\_\_

**(Chairperson)**

**Date:** \_\_\_\_\_

## **Derry City and Strabane District Council**

**Open Minutes of Business and Culture Committee Meeting held in the Chamber, Derry Road, Strabane on Tuesday 17 April 2018 at 4.00pm.**

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**Present:- Councillor Logue (Chairperson); Alderman R Hamilton, Hussey, Ramsey and Warke; Councillors Boyle, Cooper, Cusack, Fleming, McKnight, McGuire, McMahon, O'Reilly and Reilly.**

**In Attendance:- Director of Business and Culture (Mr S Gillespie), Personal Assistant to Director of Business and Culture (Mrs J Galloway-Doherty) and Committee Services Assistant (Mrs J Short).**

**Non-Committee Member Alderman Devenney**

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### **BC75/18 Notice and Summons for Meeting**

The Director of Business and Culture read the Notice and Summons for the meeting.

### **BC76/18 Member Attendance and Apologies**

There were no apologies.

### **BC77/18 Declarations of Members' Interests**

Councillor McKnight declared an interest in Agenda Item No. 12: Foyle Maritime Festival and Clipper 2017-18 Race Stopover.

Alderman Hussey declared an interest in Agenda Item No. 19: Bishop Street Car Park Lease from Masonic Order – Rent Review.

### **Open for Decision**

### **BC78/18 Chairperson's Business**

The Chair had no business to discuss on this occasion.

**BC79/18 Confirmation of the Open Minutes of the Business and Culture Committee held on Tuesday 13 March 2018**

The Open Minutes of the Business and Culture Committee Meeting held on 13 March 2018 (BC52/18-BC66/18) were agreed.

**BC80/18 Matters Arising**

There were no matters arising from the Minutes of the Meeting.

**BC81/18 Annual Service Plan 2018/19 – Business and Culture Directorate**

The Director of Business and Culture presented the above report a copy of which had been previously circulated to Members. He explained that the purpose of the report was to seek Members' approval to adopt the above Service Plan, however Members had only received the information the previous day and suggested an extension of time for Members to submit comments by Monday 23 April 2018.

The Director of Business and Culture clarified for Alderman Hussey, that Officers would follow-up with the relevant Companies to build upon momentum and mentoring was provided so to encourage job retention and an increase in the workforce in going forward. He also clarified that the Future Search initiative was included in the detail of the Service Plan and an update report would be presented at a future Committee meeting.

The Committee

**Recommended that Members submit comments on the Business and Culture Annual Service Plan 2018/19 by Monday 23 April 2018.**

**BC82/18 Digital Innovation Programme**

The Director of Business and Culture presented the above report details of which had been previously circulated to Members. The purpose of the report was to update Members on the Digital Innovation Programme that is currently being scoped out for submission to Invest NI and the ERDF Investment for Growth and Jobs Programme (2014-

2020) under the SME Development and the Growth Local Economic Development element.

Councillor Fleming welcomed the report and commented that the Digital Innovation Programme was a potential compliment to the Economic Development Strategy for the City and District.

The Director of Business and Culture clarified for Councillor McGuire that the programme offered training for all businesses in terms of development of digital skills to assist in business growth.

The Committee

**Recommended that Members endorse the scoping of the Digital Innovation Programme.**

**BC83/18 Northern Ireland Women in Enterprise Challenge 2018-2021**

The Director of Business and Culture presented the above report details of which had been previously circulated to Members. The purpose of the report was to seek approval to collaborate in the NI Woman in Enterprise Challenge 2018-2021, an initiative between the 11 local Councils, Invest NI and Woman in Business to promote and support female enterprise.

Councillor McKnight welcomed the report and expressed excitement with the initiative. She commented that it was a fantastic opportunity to support female entrepreneurs in making their business more successful.

Councillor Cusack also endorsed the report.

The Director of Business and Culture in response to a comment by Alderman Hussey, assured him that the funding contribution to be split amongst the 11 Councils would be challenged so to ensure that each Council area received an equal amount of funding to participate in the initiative.

The Committee

**Recommended** that Members approve DCSDC participation in “The NI Woman in Enterprise Challenge 2018-2021” at a cost of £6162 in Year 1. Following an assessment of Year 1 outputs and impact a decision to progress in subsequent years will be brought to this Committee for further consideration.

### **Open for Information**

#### **BC84/18 Business Boost Update**

The Director of Business and Culture presented the above report details of which had been previously circulated to Members. The purpose of the report was to provide Members with a progress update on Business Boost.

The Committee

**Recommended** that Members note the report.

#### **BC85/18 Culture Venues Fund 2016/17 – Impact Report**

The Director of Business and Culture presented the above report details of which had been previously circulated to Members. The purpose of the report was to inform Members of the impact of the Cultural Venue Fund 2016/17.

Alderman Hussey referred to the cultural venues investment made by DCSDC. He highlighted that funding support was only provided to city based cultural venues and queried if work was being done to encourage applicants from the rural areas. The Director of Business and Culture clarified that the funding related to cultural venues of scale and therefore naturally tended to favour the City. However, many of the successful organisations have rural outreach programmes which serve to encourage participation in the rural areas.

The Committee

**Recommended that Members note the update report on Culture Venues Fund 2016/17 Impact Report.**

**BC86/18 Foyle Maritime Festival and Clipper Race Stopover**

The Director of Business and Culture presented the above report details of which had been previously circulated to Members. The purpose of the report was to update Members regarding the planning and programme development of the Foyle Maritime Festival 2018.

The Director of Business and Culture in response to Councillor McKnight, clarified that Officers would continue to work closely with the Traders in advance of the event to ensure that they made the necessary preparations to make a profit from the increased footfall to the City. He also clarified that it was anticipated that the outcome from the funding application submitted to TNI would be confirmed by end of April 2018.

The Chair welcomed the report and said that she looked forward in anticipation to the event this year.

The Committee

**Recommended that Members note the contents of the above report.**

Councillor's Boyle and O'Reilly and Alderman M Hamilton joined the meeting at this stage.

**BC87/18 Two Loughs Scoping Study Report: Development of Recreational & Tourism Based Opportunities at Moirlough and Lough Ash**

The Director of Business and Culture presented the above report details of which had been previously circulated to Members. The purpose of the report was to present the completed study and outline next steps.

Councillor McMahon welcomed the report. He said that it was important to maximise the tourism potential that Moirlough and Lough Ash offered and to continue collaboration with the relevant walking and fishing fraternity.

The Committee

**Recommended that Members note the contents of the above report.**

**The Meeting went into confidential business.**

**The Meeting terminated at 4.55pm.**

## Derry City and Strabane District Council

**Open Minutes of Environment and Regeneration Committee held in Council Chamber, Derry Road, Strabane on Wednesday 18 April 2018 at 4.00pm**

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**Present:- Councillor Dobbins (in the chair), Aldermen Bresland, Hussey, Ramsey and Warke, Councillors Campbell, Duffy, Hastings, C Kelly, D Kelly, McCauley, R McHugh, Reilly and Tierney.**

**In Attendance: Director of Environment and Regeneration (Mrs K Phillips), Head of Capital Development and Building Control (Mr F Morrison), Regeneration (Manager Mr T Monaghan), Heritage Development Officer (Acting) (Ms M Edwards) and Committee Services Assistant (Ms N Meehan).**

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### **ER70/18 Notice and Summons for Meeting**

The Director of Environment and Regeneration read the Notice and Summons for the Meeting.

### **ER71/18 Apologies**

There were no apologies.

### **ER72/18 Declarations of Members' Interests**

Councillors Campbell and McCauley declared an interest in Item 12 – Heritage Development Officer – Work Programme 2018.

### **Chairperson's Business**

#### **ER73/18 Traffic Calming Scheme – Moss Park**

With the permission of the Chairperson the Director of Environment and Regeneration advised Members of correspondence which had been received from the Department for Infrastructure on 11 April which was too late to be incorporated in the report. She stated that comments were being sought by the Department by 30 April regarding a Traffic Calming Scheme at Moss Road, Derry details of which were included on an attached map. She ensured that the correspondence

would be emailed to Members and any comments received would be collated and forwarded to the Department prior to April 30.

**ER74/18 Confirmation of the Open Minutes of the Environment and Regeneration Committee held on Wednesday 14 March 2018**

Minutes of the Environment and Regeneration Committee held on 14 March 2018 (ER44/18-ER63/18) were confirmed and signed by the Chairperson as correct.

**ER75/18 Annual Service Plan – Environment and Regeneration Directorate**

The Director of Environment and Regeneration presented the above report a copy of which had been previously circulated. She advised that the purpose of the report was to seek Members' approval to adopt a Service Plan for 2018/19 for the Environment and Regeneration Directorate and to consider some of the achievements from 2017/18.

Members from all Parties thanked the Director for her report and commended her on its content.

Councillor Reilly stated that overall this was a very positive report with a number of excellent programmes having been delivered and a considerable number nearing completion. He referred to 4.1 of the report which referred to the Directorate's budget and the proposed capital development programme which signified the importance of this Directorate for both Council and the ratepayers. He said that much of the work of elected representatives derived from this Directorate and those issues most pertinent to ratepayers more often than not related to Environment and Regeneration. He concluded that there was a genuine willingness within the Directorate to ensure that work was carried out and services delivered for ratepayers.

Councillor C Kelly commended staff from the Environment and Regeneration Directorate on their achievements. Whilst acknowledging the importance of the major projects he said it was the everyday issues which were of greatest importance to ratepayers. He referred to the good rapport which existed within the Directorate which was evident through team working. He referred to a meeting he had attended a few months previously which highlighted the work carried out by each Directorate on a daily basis and provided information on the various points of contact for specific issues.

Alderman Ramsey welcomed such a positive report however he expressed concern at complaints received on a weekly basis regarding difficulties being experienced in relation to the black/brown bin household waste collection. He acknowledged that this had previously been as a result of inclement weather but pointed out that this was no longer an issue. He requested that a report thereon be presented to a future Meeting of the Committee.

The Director of Environment and Regeneration requested that any complaints received by Members regarding household refuse collection be forwarded to her directly in order that these could be addressed.

Alderman Ramsey stated that staff had been made aware of complaints which had been received and reiterated the need to review the situation.

The Director of Environment and Regeneration undertook to follow up on this.

Alderman Hussey welcomed the report and the extensive work carried out by the Directorate. He expressed concern that a number of projects which he assumed to be pending had not been included in the year ahead Service Plan, namely the provision of play facilities at Magheramason. He said it was frustrating that this had not been referenced specifically in the Plan particularly given the impact this would have on residents of that area. He stated that there were a number of community issues within this area which must be addressed and anticipated that the provision of play facilities in Magheramason would be progressed by Council.

Alderman Hussey referred to previous concerns he had raised regarding the lack of response from NIEA on planning applications regarding agricultural buildings some of which were subject to ammonia pollution. He stated that the issue which had raised initial concerns remained ongoing and must be addressed. He said he had been advised that the Department had undertaken to examine ammonia levels and referred to the need for this to be pursued. He referred to the excellent work being carried out by Council's Planning Officers which could not be overshadowed by this lack of input from NIEA.

The Director of Environment and Regeneration advised that Officers had been working on a number of projects including the provision of

play facilities at Magheramason which were included on the Capital Projects list and which would be presented to the Capital Projects Working Group the following week when a list of priorities would be agreed by Members.

The Director of Environment and Regeneration undertook to raise the issue regarding the lack of response from NIEA. She understood however that this had been raised at a senior level and undertook to investigate what response, if any, had been received.

Councillor Hastings referred to the outstanding progress which had been made in terms of greenways and the tremendous success which had been achieved across a number of areas. He suggested that a number of the issues raised by Alderman Hussey were legacy issues which should have been dealt with by the former Strabane District Council. He continued that the Park at Strathfoyle which was now in use was outstanding and beyond the expectation of many. He commended the Directorate on their work in relation to greenways and the riverine project which reflected the ethos of the Environment and Regeneration Directorate.

Alderman Bresland anticipated that Donemana and Artigarvan playing fields were included on the list of Capital Projects.

Subsequently the Committee

**Recommended that Members adopt the attached Service Plan for 2018/19.**

**ER76/18 Top of the Hill – Removal of Play Area**

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek Council authority to remove the disused play area at the Top of the Hill Park.

In response to a query from Councillor Reilly, the Director of Environment and Regeneration confirmed that the long-term plan was to retain this area as an open space.

Councillor C Kelly welcomed the recommendation contained in the report which was in accordance with the wishes of local residents and

would help to alleviate ongoing social problems being experienced in the area.

The Committee

**Recommended that Council authorise the removal of the dilapidated play provision at the Top of the Hill Park.**

In response to a query from the Chairperson, the Director of Environment and Regeneration said she was not aware of any outstanding health and safety issues at any of the Parks within the Council area.

**ER77/18 Street Naming and Property Numbering – Development of 14 New Dwellings at Coolafinny Road, Derry – Request for Development Name**

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to gain Members' consent to name a new development of fourteen dwellings at a site on Coolafinny Road Eglinton, Derry.

The Committee

**Recommended that the new development on Coolafinny Road, Eglinton be named Coolafinny Meadow as this complied with policy as it pertained to the name of the townland and access road of where the development was situated.**

**ER78/18 Street Naming and Property numbering – Requests for Installation of Bilingual Signage**

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to inform Members of the outcome of recent applications to provide bilingual signage at Blackthorn Manor and Woodbrook, Derry.

The Committee

- Recommended**
- (a) that the application to erect bilingual signage at Blackthorn Manor, Derry be rejected and the plebiscite did not achieve the minimum consent of 66% of returns required; and**
  - (b) that the application to erect bilingual signage at Woodbrook, Derry be approved as the plebiscite achieved the minimum consent of 66% of returns required.**

**ER79/18      Live Her Love Her Project Funding**

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to seek Members' approval to provide funding in the sum of £27,000 per annum over the next year 2018-2019 to the LIVE HERE LOVE HERE project managed by Keep Northern Ireland Beautiful (KNIB).

Alderman Hussey expressed his support for this tremendous scheme which would assist the entire community. He referred to 3.4 of the report which was worthy of note as it contained an acknowledgement of issues such as littering on rural roads. He welcomed Council's support for this most worthwhile project.

Councillor Tierney stated that the benefits of this scheme had been evident across all communities.

Councillor D Kelly referred to the need to effect behavioural change among those who are causing the problem. He queried if there was any evidence to suggest that there had been noticeable change in behaviour among offenders. He said he did not favour the current advertising campaign which did not highlight the problem of littering along roads. He stated that litter remained a serious problem throughout the Council area.

The Director of Environment and Regeneration agreed with the previous speaker's comments and advised that discussion had taken place regarding Council's increased resources for campaigns surrounding environmental issues. She stated that Officers were

currently considering more bespoke methods around addressing littering and recycling. She stated that a number of recycling campaigns had been carried out together with short videos. However, resources had now been secured within Environment and Regeneration Directorate to concentrate on this issue in the coming months in an effort to effect change at a local level. She said that it was discouraging to observe these continuing behaviours. She stated that currently a number of possibilities were being considered eg CCTV together with relevant requirements and Members would be updated in the coming months on the agreed approach. She concluded that given the additional dedicated resources available it was anticipated that the work would become more localised and effective.

### **ER80/18 Up-date on Un-adopted Roads Working Group**

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to update Members on the workings of the Member/Officer Working Group set up with regard to un-adopted roads issues across the district.

Councillor Reilly expressed his appreciation for the work carried out to date and thanked Members of the Working Group for their participation. He referred to discussions which had taken place with residents to advise them of the legalities regarding their property which he said was key to achieving a satisfactory outcome. He stated that the ratepayers concerned correctly assumed they were entitled to services similar to those which they had received in their previous dwellings and were experiencing difficulties accepting that they were unable to access certain services in their new property most notably the refuse collection service. Reference was made to specific developers who were keen to work with Council to have the situation resolved which was encouraging. He said it would be reassuring if Council and developers could actively seek a solution.

Alderman Hussey referred to a number of issues which needed addressing including some legacy matters. He said the longer the process took the less viable it became to intervene as the bond would not be sufficient to cover the cost of the works required to bring the road up to a standard suitable for adoption by the Department. He thanked Council for the work carried out particularly during the period following application for adoption and the subsequent probationary

period. He stated that there were many potentially detrimental issues which impacted on Council services.

In response to a query from Councillor C Kelly, the Director of Environment and Regeneration confirmed that the Working Group met on a quarterly basis.

In response to a further query from Councillor C Kelly, the Director of Environment and Regeneration suggested that Councillor McCauley could replace Councillor Hassan on the Working Group.

Councillor C Kelly suggested that the timeframe set out by the Department in relation to the adoption of roads was unacceptable and expressed concern that it was ratepayers who were being most detrimentally impacted upon.

In response to a query from Alderman Warke, the Director of Environment and Regeneration advised that the Department were in possession of information regarding the current number of un-adopted roads. However, she undertook to request that this be made available to Members.

The Director of Environment and Regeneration referred to the importance of prospective buyers ascertaining if a development had been adopted by the Department. She stated that Council was endeavouring to develop, through its legal services, a system to encourage solicitors to bring this to the attention of their clients during the conveyancing process, together with the practicalities attached. Prospective buyers may not question if a development had street lighting and whether or not the road has been adopted by the Department and the consequences thereof. She reiterated that Council was endeavouring to encourage solicitors to raise this issue with potential buyers during the conveyancing stage.

Councillor Reilly stated that it was key to have this matter raised at the conveyancing stage. He stated that if it was possible to ensure that solicitors raised such issues at the conveyancing stage it would assist in addressing this problem.

Alderman Warke suggested that following the completion of a development, developers should be provided with a timeframe during which the site must be brought up to a standard suitable for adoption.

Alderman Ramsey referred to an issue in terms of consistency and the need to strive for a phased approach. He referred to a number of developments outside Dublin all of which were being developed on a phased basis where each phase was completed prior to beginning work on the next phase. This would ensure that developments were of a standard suitable for adoption prior to the developer leaving the site. In line with the Working Group's efforts to achieve consistency he felt that adopting a phased approach would prove successful in addressing this problem.

The Committee

- Recommended**
- (a) that Officers develop a Guidance document for developers outlining the circumstances under which Council could provide collection services on un-adopted estates and engage with local developers to seek views in relation to this following which an updated report will be brought back to Members for consideration; and**
  - (b) that Council write to the Law Society advising them of the situation being experienced in this Council area in terms of un-adopted and highlighting the role Solicitors could play in addressing this problem.**

**ER81/18 Heritage Development Officer – Work Programme 2018**

The Regeneration Manager presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to provide Members with an update in relation to the role and proposed work programme for the Heritage Development Officer within Council.

Members noted the content of the report.

**ER82/18 DfI Proposed No Waiting Restriction at Aberfoyle Crescent**

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised

that the purpose of the report was to inform Members of a letter dated 22 March 2018 received from Transport NI, Network Development Section regarding a DfI proposal to introduce a no waiting at any time restriction on Aberfoyle Crescent.

The Director of Environment and Regeneration said she was not aware of any other consultation which had been carried out. However, she undertook to address this with DfI Roads.

**ER83/18 Proposed Disabled Parking Bays**

The Director of Environment and Regeneration presented the above report a copy of which had previously been circulated. She advised that the purpose of the report was to inform Members of correspondence dated 28 March 2018 from Transport NI, Network Development Section, regarding proposed disabled persons' parking bay at Mountjoy Street, Derry.

Members noted the content of the report.

**ER84/18 Applications Processed Under Building Regulations (NI)**

The Head of Capital Development and Building Control presented the above report a copy of which had previously been circulated. He advised that the purpose of the report was to inform Members of applications processed under Building Regulations (NI) between 1 February 2018 and 28 February 2018.

Members noted the content of the report.

The Meeting terminated at 5.45 pm

## Derry City and Strabane District Council

**Open Minutes of Health and Community Committee of Derry City and Strabane District Council held in the Chamber, Strabane Council Offices, on Thursday 19 April 2018 at 3.00pm.**

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**Present: - Councillor R McHugh (Vice-Chairperson); Alderman McClintock; Councillors Campbell, Carlin, Cusack, Gallagher, Gardiner, Hastings, Jackson, McGinley and Tierney.**

**Non-members of Committee:- Councillor P Kelly.**

**In Attendance: - Director of Health and Community (Mrs K McFarland), Head of Community Development and Leisure (Mr B O'Hagan), Head of Health and Community Wellbeing (Mr S Donaghy), PA to Health and Community Director (Mrs L Shields), Principal Officer Licensing and Safety Advisory Group (Mr D Meenan) Environmental Health Team Leader (Licensing and SAG) (Mr P Rafferty) and Committee Services Assistant (Mrs T Johnstone).**

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### **HC67/18 Notice and Summons for Meeting**

The Director of Health and Community read the Notice and Summons for the Meeting.

### **HC68/18 Members Attendance and Apologies**

The Director of Health and Community recorded Members attendance. Apologies were received from Alderman Thompson.

### **HC69/18 Declarations of Members' Interests**

Councillor Carlin declared an interest in the following agenda item:

- Agenda item 10 – Good Relations Grant Aid 2018/19.

Councillor Hastings declared an interest in the following agenda item:

- Agenda item 10 – Good Relations Grant Aid 2018/19.

Councillor Gallagher declared an interest in the following agenda item:

- Agenda item 10 – Good Relations Grant Aid 2018/19.

Councillor Jackson declared an interest in the following agenda items:

- Agenda item 10 – Good Relations Grant Aid 2018/19
- Agenda item 11 – Community Support Fund 2018/19.

Councillor McGinley declared an interest in the following agenda items:

- Agenda item 10 – Good Relations Grant Aid 2018/19
- Agenda item 11 – Community Support Fund 2018/19.

Councillor Campbell declared an interest in the following agenda items:

- Agenda item 10 – Good Relations Grant Aid 2018/19
- Agenda item 11 – Community Support Fund 2018/19.

Councillor Duffy declared an interest in the following agenda items:

- Agenda item 10 – Good Relations Grant Aid 2018/19
- Agenda item 11 – Community Support Fund 2018/19.

Councillor Tierney declared an interest in the following agenda item:

- Agenda item 22 – CCTV Contract.

### **Open for Decision**

#### **HC70/18 Application for Renewal of Entertainment Licence – Derry City FC Sports and Social Club**

The Head of Health and Community Wellbeing presented the above report, which had been previously circulated to Members. The purpose of the report was for Members to hear representations made in relation to the application to renew a licence to holding indoor entertainment at Derry City Football Club Sports and Social Club, 19 Crawford Square, Derry and seek Members' determination of the application.

Mr Liam McLaughlin (representing the Applicant) made a representation to Members regarding Derry City Football Club Sports and Social Club (DCFCSSC).

Mr McLaughlin highlighted the following points to Members:

- This was the first time complaints had been received since 2009
- Complaints began when the former Club Chairman, who was also Chair of the Crawford Square Residents Association, resigned from the Club
- A number of meetings had been held with the Residents Association, although not all residents in Crawford Square were members of the Association
- The Club had been working with police to resolve any issues relating to anti-social behaviour

- Issues regarding anti-social behaviour were not directly attributed to the Club which was situated beside the Methodist Mission, the Probation Board and a number of flats.

The Chair thanked Mr McLaughlin for his representation and invited comments from Members.

Councillor Gallagher asked Mr McLaughlin if he had been aware that complaints had been made against the Club.

Mr McLaughlin stated that the Club had never been directly contacted by the Residents Association. However a complaint had been made to the PSNI and all of the recommendations had been taken on board.

The Chair invited Constable Paul Larkin, PSNI to make his representation to Members.

Constable Larkin stated that discussions had taken place with the Club over the past twelve months regarding various issues. He stated that this was not a unique situation as the PSNI engage with many clubs throughout the City.

Constable Larkin then referred to Appendix 4 within the report and gave a summary on the following points:

- Nuisance including loud music and noise emanating from the Club both during and after opening hours – In the past 12 months police had been called to the premises on two occasions
- 29 April 2017 at 2:02am, there was a report of a disturbance outside the premises – Police checked the area, with no persons identified in the area and no-one making themselves known to police
- 3 February 2018 at 11:47pm, report of an ongoing fight amongst persons outside the premises – Police responded immediately but the Club appeared to be locked up and no persons were noted in the area
- PSNI were made aware of an assault on the premises and the investigation was ongoing
- No reports on police systems regarding extreme drunkenness or urinating in public
- Police were unaware of any issues regarding litter in the street or parking congestion
- Legislation was in place which permitted underage persons in Registered Sports Clubs up until 10.00pm without the requirement of a Children's Certificate

- Disability Access was a matter for the Equality Commission for Northern Ireland
- No reports had been received regarding substance abuse in club premises
- No reports noted regarding damage to vehicles being linked to the Club, although matters may have been reported, but no direct links to the Club.

Constable Larkin referred to the contravention of Licensing Law and informed Members that the Club was permitted to sell intoxicating liquor to their members and guests from 11.30am – 11.00pm (Monday to Saturday) and 12.30pm – 10.00pm (Sundays), unless an application was made to the PSNI for a Special Authorisation (Article 44, Registration of Clubs (NI) Order 1996), which would permit the sale of intoxicating liquor until 1.00am (Monday to Saturday) and 12.00am (Sundays). He stated that police had not received any applications for an Article 44 Special Authorisation since May 2017. He added that the last date the application was granted was Friday 26 May 2017.

Constable Larkin referred to Governance matters within the Club. He stated that as with many registered clubs, any personnel changes could result in a lack of knowledge on legislative requirements. He stated that the PSNI would liaise with the Federation of Clubs (NI) to advise them of the legislative requirements. He added that Derry City FC Sports and Social Club had been liaising with PSNI and the Federation of Clubs NI over the past 12 months and would continue to do so.

Constable Larkin stated that on this basis, the PSNI had no grounds to object to the renewal of the entertainment licence at Derry City FC Sports and Social Club.

The Chair thanked Constable Larkin for his representation and invited comments from Members.

Alderman McClintock referred to the comment made by Constable Larkin which stated that the PSNI had no objections to the renewal of the entertainment licence. She stated that there was some ambiguity as Members were presented with a document which stated that the registration for the Club had been objected to by the PSNI, and asked for clarity on the matter.

The Chair informed Alderman McClintock that the document stated that the PSNI had objected to the registration of the Club. He

stated Members were discussing matters regarding the renewal of the entertainment licence.

Constable Larkin stated that representation had been made to the Court in relation to the renewal of the Registration of Clubs Certificate. He said that the PSNI had grounds for objection on this matter. However, with regard to the entertainment licence, there were no grounds for objection.

Councillor Gallagher then asked Constable Larkin if any opinion had been formed regarding the police being called on out two occasions, however on each occasion there had been nothing to report.

Constable Larkin stated that on one occasion there may have been a longer response time of up to thirty minutes. He stated that the average 'pub fight' lasted approximately 20 seconds, therefore it could have dispersed before police had arrived at the scene. He stated that on a further occasion, police had responded immediately as the report was quite serious. However, police records stated that the premises were locked and no persons were in the area.

Councillor Tierney enquired if it was normal practice for police to be in contact with the Club on a regular basis even though the PSNI had reported that there had been no incidents of anti-social or drunken behaviour within the past twelve months.

In response, Constable Larkin stated that the PSNI liaise with all clubs on a regular basis regarding various issues and even where there were no issues. He stated that the PSNI had been liaising with the Club regarding internal matters pertaining to governance and not public disorder.

The Chair thanked Constable Larkin for his representation and invited Mr Colm Cavanagh to make his representation on behalf of the Crawford Square Residents Association.

Mr Cavanagh stated that the existence of a Club at Crawford Square went back many decades, firstly housing the Services Club, then the Catholic Club and subsequently the Derry City FC Sports and Social Club. He stated that there had never been any previous issues and that residents never had any cause for complaint. He stated that he had found it hard to believe that there had been no contact between residents and the Club. He added that complaints had been raised with the club, however they had not been dealt with

very effectively. He further stated that residents would like to see the Club properly managed and if it failed to do so then it should stop acting as a Club. He felt that it was run like a public house and not a private members club. He further stated that there was loud noise coming from the Club in the evenings. He referred to the litter that was left in residents' gardens and stated that residents from Academy Road had also complained to the Club. He stated that requests made to the Club to have the litter cleared had been ignored. He referred to complaints made by the residents and stated that not all complaints were made to the PSNI but directly to the Club.

Mr Cavanagh informed Members that the residents would resent the suggestion made by Mr McLaughlin that nuisance and anti-social behaviour had been caused by those living at the men's hostel, run by the Methodist Mission. He described it as a wonderful organisation and stated that people leaving the Club had been abusive to vulnerable men who lived at the Mission. He stated that residents from the area wished to bring the matter to the attention of Council as they were frustrated with the way that the Club was currently operating.

Councillor Tierney enquired if the complaints made by the Residents Association had been made verbally or in writing. He noted that the relationship between the Club and the Residents Association had deteriorated and asked if this had always been the case. He felt that if moves were made to improve the relationship, it may allow the Chair of the Residents Association to approach the Club directly with their concerns.

Mr Cavanagh explained that the Director of the Methodist Mission had contacted the Club in an attempt to resolve matters, however, this had been unsuccessful. He added that a number of residents had contacted the Club directly. He stated that as an officer of the Residents Association he was unsure if any written complaints had been made. However, he stated that going forward they would be making any future complaints in writing.

In response to Alderman McClintock's query regarding the Chair of the Residents Association being a previous official at the Club, Mr Cavanagh stated this was a matter for the PSNI and the Court Service.

The Chair thanked Mr Cavanagh for his representation. He then invited Mr McLaughlin (on behalf of the Applicant) to respond to the comments made by the objectors.

Mr McLaughlin referred to the points made regarding deliveries to the Club. He stated that deliveries were not brought into Crawford Square but to the back entrance to the Club which was located on Academy Road and therefore caused no traffic nuisance in Crawford Square. He stated that the Club had complied with all requirements laid down by the Federation of Clubs NI in accordance with their regulations. He added that the governance of the Club was also being monitored by the Federation of Clubs NI and the PSNI.

In response to Councillor Gallagher's query, Mr McLaughlin stated that there were approximately five people employed at the Club with eighty paid up members. He added that the Club would usually see approximately 100 members and guests attending on a Friday and Saturday night.

In response to Councillor Gardiner's query regarding traffic congestion, Mr McLaughlin stated that there would be occasional congestion on Academy Road, however there was a wide footpath where lorries could pull up without causing any disruption.

The Chair thanked all parties for their submissions and asked them to leave the Chamber for Members to make their decision and recommendations.

After a lengthy discussion the Chair invited the representatives to return to the Chamber and thanked them for their contribution to the Committee. He stated that the Committee had considered all of the evidence that had been presented and that the decision had been made to grant the renewal of the entertainment licence with the same conditions as attached previously. He stated that Council Licensing Officers would also carry out performance inspections at the premises at Crawford Square to ensure that the Club complied with the regulations. He added that the Committee recommended that the Club proactively engage with the residents to ensure that any future concerns would be addressed. He also encouraged residents to report any concerns to Council officers who would look into any concerns within Council's remit. He stated if there were any concerns raised, the application will come before Council again next year for renewal.

The Committee

**Recommended**      **That (i) Members approve the renewal of the Entertainment Licence at Derry City FC Sports and Social Club, 19 Crawford Square, Derry to provide indoor entertainment namely: dancing, singing or music or any other entertainment of a like kind during 12.00pm – 12.00am (Monday to Saturday) and 12.00pm – 11.00pm (Sundays); (ii) that Council Licensing Officers carry out performance inspections at the premises.**

### **Chairperson's Business**

#### **HC71/18      Commonwealth Games**

The Chair extended his congratulations to all the participants from the City and District who had taken part in the Commonwealth Games especially to Marcus Christie, Sarah McDaid, Sommer Lecky, Barry Pollin and Ben McGarrigle. He suggested that a Mayoral reception be considered to recognise their efforts.

#### **HC72/18      Confirmation of the Open Minutes of the Health and Community Committee held on Thursday 15 March 2018**

The open Minutes of the Meeting held on 15 March 2018 (HC43/18 – HC63/87) were confirmed and signed by the Chairperson as correct.

### **Matters Arising**

#### **HC73/18      Brandywell Stadium CCTV – Privacy Impact Assessment (HC55/18)**

Councillor P Kelly requested an update on a matter raised at the previous meeting regarding funding for CCTV provision.

The Head of Community Development and Leisure indicated that the matter was tabled for discussion under confidential business.

Councillor P Kelly enquired why he could not receive the update in open business as he had requested the information in open business at a previous committee meeting.

The Chair advised that the matter would be discussed in confidential business due to a commercial interest.

Councillor P Kelly stated that as a non-member of the committee he could not ask for the item to be discussed in open business.

Councillor Tierney Proposed, Seconded by Councillor Cusack that the report on the CCTV contract be brought into open business.

Councillors Carlin and Gallagher expressed concern at the proposal as contractual issues would be brought into open business and that there was no valid reason put forward with the proposal.

The Head of Community Development and Leisure stated that the report contained commercially sensitive information, therefore it had been tabled to be discussed in confidential business.

Councillor Tierney stated that after the advice given by officers, the report should remain in confidential business. He then withdrew his proposal.

**HC74/18 Northern Ireland Human Rights Commission Report: 'Out of Sight, Out of Mind: Travellers' Accommodation in NI'**

The Head of Health and Community Wellbeing presented Members with the above report, a copy of which had been previously circulated. The purpose of the report was to seek Members' approval for Senior Council Officers to meet with the Commission in the near future to discuss the implementation of the relevant recommendations outlined in the report.

Councillor Carlin endorsed the recommendations within the report which addressed the issues faced by the Traveller community in the City and District. She added that she welcomed the work of the Commission which gave great insight and authority in relation to the steps that Council would embark on in addressing issues such as housing.

Councillor Tierney seconded the recommendations. He stated that the report contained issues that had previously been raised in Council. He referred to the classification of Traveller sites and stated that it was important that individual sites held the correct licence and classification. He reported that Ballyarnett site was registered as a transient site,

however it is not used as one. He stated that residents at the site were meeting with Elected Representatives and the Northern Ireland Housing Executive (NIHE) to have the classification on the site upgraded. He stated that there were issues between the sites at Ballyarnett and the Daisyfield which had to be resolved and the correct classification for these sites put in place. He referred to refuse collection at Ballyarnett and stated that through the Environment and Regeneration Directorate and the NIHE, proactive steps had been taken to ensure that there would no longer be an accumulation of rubbish at the site. He stated that it was important that Members work with the Human Rights Commission and proposed that Committee invite representatives from the Commission to speak to Elected Representatives regarding the Travellers accommodation in the City and District.

Councillor Gallagher welcomed the report. He stated that some of the findings in the report regarding Traveller sites across the City and District should raise concern as Council were responsible for some of the issues that had been outlined. He stated that the right to a proper home was at the centre of the culture of the transient community and by not having that right had affected other aspects of their lives. He referred to the site at Greenbrae, Strabane and stated that it was not fit for purpose and that families had been forced from the site. He further stated that the transient community could not settle into permanent housing and being forced to do so was eroding their culture. He stated that it was important for Council to recognise the large Traveller community within the City and District and the importance of implementing the findings within the report.

Councillor Hastings indicated that the responsibility for providing sites and accommodation for the Traveller community was the responsibility of the NIHE who had continually failed to meet the needs of the Traveller community. He stated that the Northern Ireland Travellers Advisory Group had invited the Human Rights Commission to carry out the study into Traveller accommodation. He reported that the Commission had indicated that standards at the sites had not been met and that the Equality Commission should have made a ruling at an early stage. He added that the Traveller community wished to have the option of moving from site to site or settling into permanent accommodation. However, there was insufficient houses available for travellers who wished to settle.

Councillor Gallagher stated that a number of issues had been raised regarding sites across the City and District, where Council had a responsibility regarding maintenance and refuse collection.  
The Committee

**Recommended**      **that (i) Members approve for Senior Council Officers to meet with the Commission to discuss the implementation of the recommendations outlined in the report; and (ii) invite representatives from the Northern Ireland Human Rights Commission to speak to Elected Representatives regarding Travellers accommodation in the City and District.**

**HC75/18      Proposal to Ban the Use of Plastic Microbeads in Cosmetics and Personal Care Products: Proposed Enforcement Mechanism**

The Head of Health and Community Wellbeing presented the above report, which had been previously circulated to Members. The purpose of the report was to seek Members' approval for Council staff (Environmental Health Officers) to be authorised by the Department of Agriculture, Environment and Rural Affairs (DEARA) as "authorised persons" for the purposes of enforcing legislation to ban the manufacture and sale of rinse-off cosmetic products containing plastic microbeads.

Alderman McClintock and Councillor Duffy both welcomed the report and stated that they were glad to see the legislation being extended to the Council area.

The Committee

**Recommended**      **that Members approve Council staff (Environmental Health Officers) to be authorised by the Department of Agriculture, Environment and Rural Affairs (DEARA) as "authorised persons" for the purposes of enforcing legislation to ban the manufacture and sale of rinse-off cosmetic**

**products containing plastic  
microbeads.**

**HC76/18 Good Relations Grant Aid 2018/19**

The Head of Community Development and Leisure presented the above report, previously circulated to Members. The purpose of the report was to seek Members' approval for the recommendations of the Good Relations Grant Aid 2018/19 assessment panels.

Councillor Jackson welcomed the report and all the work being carried out regarding good relations. He referred to item 5.3 within the report and asked how Officers would engage with those areas to ensure that adequate programmes were delivered within the DEAs.

The Head of Community Development and Leisure stated that there had been an under spend in a few areas, therefore the Good Relations Team and the Community Development Team would be liaising with the community networks within those areas. He stated that applications that were not successful would be reviewed to see what assistance could be provided and their needs identified in line with the Local Community Plan.

Alderman McClintock queried that if there was a significant under spend in the rural area and groups had not been identified, could the funding be used in other areas where there had been partial or no funding allocated.

In response, the Head of Community Development and Leisure stated that it was an aspiration, however the difficulty within rural areas was to prove the capacity. He stated that last year all the funding had been allocated by identifying projects within the growth plan and working with rural partners. He added that if any extra funding was available it was recommended that it would be allocated in each of the planned areas.

Councillor Tierney thanked Officers for the report. He stated that the benefits of those projects throughout each of the DEAs was obvious. He referred to the under spend in the rural areas and asked if a capacity building exercise could be undertaken. He stated that this would be useful as groups would not be solely relying on officers to

assist them in completing application forms and would also allow them to apply for alternative funding.

The Head of Community Development and Leisure stated that it was planned to carry out such an exercise and that officers were liaising with rural networks such as RAPID and Dennett Interchange. He added that these organisations were also building capacity and identifying the training needs for groups, particularly those who were volunteer led.

The Committee

**Recommended that (i) Members approve the assessment panel recommendations and that Letters of Offer are issued to groups when a contract is awarded to Council from the Executive Office (TEO); (ii) Agree that in those areas where applicants met the threshold but could not be funded, should extra funds become available, that those groups next in the ranking will be allocated funding and (iii) that in those areas where a surplus exists, officers will work with the relevant partnerships or networks to identify and implement good relations projects that meet local needs identified in the Local Community Plan, retaining the funding for good relations within the DEA.**

#### **HC77/18 Community Support Fund 2018/19**

The Head of Community Development and Leisure presented the above report, which had been previously circulated to Members. The purpose of the report was to present the recommendations of the Assessment Panels for the Community Support Fund and to seek Members' approval on the allocation of funding to successful applicants.

Councillor Jackson queried the 4 percent reduction in budget allocations by the Department for Communities and the impact that it would have on the funding.

In response, the Head of Community Development and Leisure stated that Senior Civil Servants had indicated that there could be a reduction of up to 20 percent within the rates and also in projects funded by Central Government. He stated that the Lead Finance Officer had recommended to wait until Letters of Offer from other government departments had been received and that a further report on the matter would be presented to a future meeting of the Governance and Strategic Planning Committee.

**Recommended that Members approve the decisions of the assessment panel for Community Support 2018/19.**

**HC78/18 Update Report on PEACE IV One Community Programme Funding Allocation**

The Head of Community Development and Leisure presented the above report, which had been previously circulated to Members. The purpose of the report was to seek Members' approval for the allocation of the PEACE IV One Community Programme budget of £128,000 between each of the eight Local Community Planning areas using the formula previously agreed for allocation of Community Development Grant Aid.

Councillor Carlin referred to the funding formula regarding population, particularly in the rural areas. She stated that within the report Sperrin was described as being the lowest in terms of population closely followed by Strabane Town.

The Head of Community Development and Leisure stated that this particular model had also been used for foundation allocation within Good Relations, Community Support and PCSP. He indicated that there were seven DEA's within the eight community planning areas to help deal with the complexities involved in the rural areas. He stated that when Sperrin and Strabane Town were combined the allocation had increased.

The Committee

**Recommended that Members approve the allocation of £128,000 of the One Community Programme project budget to each of the eight Local Community Planning**

**Areas for the development of Good Relations projects/programmes in each of the eight areas.**

**HC79/18 Riversdale Leisure Centre Opening Hours**

The Head of Community Development and Leisure presented the above report, which had been previously circulated to Members. The report was to seek Members' approval to pilot new and extended opening hours for Riversdale Leisure Centre from September 2018 for 12 months.

Councillor Carlin thanked Officers for the report and for all the hard work that had been undertaken with the pilot programme. She stated that it would bring Riversdale Leisure Centre into the 21<sup>st</sup> Century in terms of service provision for the Strabane district. She referred to the Riversdale Otter's Club programme and enquired if they would still have access to the swimming pool with the exclusion of access by the general public.

The Head of Community Development and Leisure stated that Officers would look at mechanisms to facilitate the needs of the Otters Swimming Club.

Councillor Gallagher concurred with the comments made by Councillor Carlin and stated that access provision in other leisure centres had been curtailed at Riversdale. He welcomed the income generated by Riversdale Leisure Centre for 2016/17, particularly as leisure provision was a very competitive market. He congratulated everyone involved in the pilot programme for Riversdale.

The Committee

**Recommended that Members approve the implementation of new opening hours for Riversdale Leisure Centre on a pilot basis for review in 12 months from September 2018 at an estimated cost of £40,000 per annum.**

**HC80/18 Service Delivery Plan 2018/19 – Health and Community Directorate**

The Director of Health and Community presented the above report, which had been previously circulated to Members. The report was to seek Members' comments on the Health and Community Directorate Service Delivery Plan 2018/19.

The Chair extended his thanks to the Director and her team for the substantial work undertaken with the Service Plan. He stated that he had no doubt that the majority of the objectives outlined in the plan would be met.

Councillor McGinley stated that the report highlighted the vast array of services that the Health and Community Directorate provided. He further stated that there was an onus on all Elected Representatives to continually engage with Officers to ensure delivery of the Service Plan and that the key objectives were realised in twelve months' time. He added that he looked forward to working with Officers in implementing the plan.

Alderman McClintock extended her congratulations to all the team within a very varied directorate. She stated that she had attended the opening ceremony at the refurbished Brandywell Stadium which had showed the amount of hard work that went into a project within the directorate.

Councillor Hastings stated that Brandywell Stadium was just one of the many responsibilities within the Health and Community Directorate. He added that the refurbishment programme at the Brandywell had been a mammoth task, which was now successfully up and running. He stated that the stadium was not just for Derry but for everyone across the Derry City and Strabane District Council area. He added that he looked forward to the next phase at the Brandywell and also the new developments planned for Templemore Sports Complex and Riversdale Leisure Centre.

The Committee

**Recommended that Members approve the Service Delivery Plan 2018/19.**

Open for Information

**HC81/18 Clean Neighbourhoods and Environment Act (NI) 2011 Abatement Notice**

The Head of Health and Community Wellbeing presented the above report for information, previously circulated to advise Members of the withdrawal of an appeal against the service of an abatement notice in respect of statutory nuisance served under the Clean Neighbourhoods and Environment Act (NI) 2011 in relation to noise from motor vehicles/drift cars racing and practising on a site at Corrody Road.

The Committee

**Recommended that Members note the contents of the report.**

**HC82/18 Update on the Tobacco Control Service Test Purchasing Exercise**

The Head of Health and Community Wellbeing presented the above report for information, previously circulated to update Members on the Tobacco Control Service provided by Council and the recent test purchasing exercise undertaken in relation to sales of tobacco to persons under the age of 18.

The Committee

**Recommended that Members note the contents of the report.**

**HC83/18 Proposed Melvin 3G Pitch Opening**

The Head of Community Development and Leisure presented the above report for information, previously circulated to update Members on the project completion date and the proposed programme of events for the Melvin 3G Pitch opening.

Councillor Carlin extended her congratulations to all the Officers involved at Melvin on their very ambitious plans. She added that she also welcomed the involvement of schools and clubs in the area.

The Committee

**Recommended that Members note the contents of the report.**

**HC84/18 Correspondence**

The Director of Health and Community presented the above report for information, previously circulated to Members regarding correspondence received by Council.

The Committee

**Recommended that Members note the contents of the report.**

**HC85/18 Consultation List**

The Director of Health and Community presented the above report for information, previously circulated to Members regarding consultation papers received by Council.

The Committee

**Recommended that Members note the contents of the report.**

The Meeting then went into Confidential Business.

The Meeting terminated at 5.45pm

**Chairperson:** \_\_\_\_\_

**Date:** \_\_\_\_\_

<b>Title of Report:</b>  <b>Responses to Motions</b>	<b>Officer Presenting:</b> <b>Chief Executive</b>  <b>Author:</b> <b>Lead Democratic Services and Improvement Officer</b>
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## **1 Purpose of Report/Recommendations**

- 1.1 To advise Members of correspondence received in relation to Motions passed by Council.

## **2 Correspondence Received**

### **2.1.1 Motion – Brexit – Special Designated Status for Northern Ireland**

At the meeting of Council held on 23 November 2017 the following Motion was passed:

Given the crucial EU Council meeting on 14th/15th December, this Council calls on the EU 27 to ensure that the British Government proposals on Brexit leads to no hardening of Britain's border in Ireland, that the Good Friday Agreement is protected in all of its parts and that there is no regression in the rights of the people of this Council region. The best way to do this would be through Designated Special status for the north of Ireland within the EU.

This Council calls on the EU 27 to hold to this position and if the British Government do not deliver on these issues then sufficient progress will not have been met and the negotiations cannot move on to the future relations between the EU and British Government.

Calls on the Council to write to each Head of Government of the EU 27, including the Taoiseach, on behalf of the people of this border Council area who will be drastically affected by any hard border as a result of Brexit.'

- 2.1.2 A response was received from the European Commission dated 27 March 2018, attached as Appendix 1.

### 2.2.1 **Motion – Irish Government Facilitation of European Capital City of Culture 2023 Bid**

Members will recall that at the Council Meeting held on 25 January 2018, the following Notice of Motion was passed:

That following the EU Commission decision that the north of Ireland will no longer be eligible to have a host city as part of the European (Capital) City of Culture in 2023 after leaving the EU in 2019, this Council calls on the Irish Government to explore the possibility of them facilitating the entry of the Derry/Strabane and Belfast joint bid to the competition.

This Council will write to the Minister and Committee of Culture, Heritage and the Gaeltacht in Dublin to request this.

2.2.2 A response was received from the Department of Culture, Heritage and the Gaeltacht dated 29 March 2018, attached as Appendix 2.

## **3 Recommendations**

3.1 Members note the replies received.

### **Background Papers**



## EUROPEAN COMMISSION

Task Force for the Preparation and Conduct of the Negotiations with the United Kingdom under Article 50 of the TEU

Head of Unit - Relations with think tanks and communication

**27 MARS 2018**

Brussels,  
tf50(2018)1877900

Dear Mr Kelpie,

Thank you for your letter of 4 December 2017 and apologies for this belated reply.

Following the formal notification from the UK Government (29 March 2017) of its intention to withdraw from the EU, the EU side is doing its utmost to achieve an orderly withdrawal of the UK from the EU.

The European Commission on 28 February 2018 proposed a draft Withdrawal Agreement. After the latest round of negotiations, on 19 March 2018 the EU and UK negotiators reached an important milestone, and made public a document highlighting the progress made so far: [https://ec.europa.eu/commission/sites/beta-political/files/draft\\_agreement\\_coloured.pdf](https://ec.europa.eu/commission/sites/beta-political/files/draft_agreement_coloured.pdf)

The aim of the Withdrawal Agreement is to safeguard the rights of EU citizens in the UK and UK nationals in the EU, to settle all existing financial obligations undertaken during the period of UK's membership, and to address the unique circumstances in Ireland/Northern Ireland. The Withdrawal Agreement should ensure an orderly withdrawal of the UK from the EU, which is in the best interest of both sides.

In the Joint Report of December 2017<sup>1</sup>, both the UK and the EU recognise that Brexit creates a unique challenge on the island of Ireland and remain determined to avoid a hard border on the island of Ireland as well as protecting the Good Friday Agreement in all its aspects.

Furthermore, in the draft Withdrawal Agreement published on 19 March 2018 negotiators agreed that a legally operative version of the "backstop" solution for the border between Northern Ireland and Ireland, in line with paragraph 49 of the Joint Report, should be agreed as part of the legal text of the Withdrawal Agreement, to apply unless and until another solution is found.

*Mr John Kelpie  
Chief Executive  
Derry City and Strabane District Council  
98 Strand Road  
Derry, BT48 7NN  
United Kingdom*

<sup>1</sup> [https://ec.europa.eu/commission/sites/beta-political/files/joint\\_report.pdf](https://ec.europa.eu/commission/sites/beta-political/files/joint_report.pdf)

11/11/11

Over the coming weeks, negotiations on Ireland will intensify in a distinct strand, with a view to agreeing a solution as part of the Withdrawal Agreement. The UK has recognised that the EU's draft Protocol on Ireland/Northern Ireland identifies the full set of issues which need to be addressed to avoid a hard border. Discussions will now continue on the most suitable operational approach to be pursued for addressing these, in parallel to an examination of possible UK proposals for a solution.

On 23 March 2018, the Heads of State or Government of the EU27 adopted guidelines on the framework for the future EU-UK relationship. An agreement on a future relationship between the EU and the UK can only be concluded once the United Kingdom has left the European Union.

Let me conclude by saying that the Commission hopes to have the UK as a close partner of the EU in the future.

Yours sincerely,

P. O.  


Stefaan De Rynck





**An Roinn  
Cultúir, Oidhreachta agus Gaeltachta**

**Department of  
Culture, Heritage and the Gaeltacht**

**Oifig an Aire  
Office of the Minister**

Mr John Kelpie  
Chief Executive  
Derry City & Strabane District Council  
C/o Council Offices  
47 Derry Road  
Strabane  
BT82 8DY



29 March 2018

Our Ref: 18007747

Dear John,

Thank you for your correspondence dated 6 February 2018 regarding the European Capital of Culture 2023 bid and the motion carried by Derry City and Strabane District Council.

The prospect of the bid being unable to proceed as a result of the UK decision to exit the EU is a serious concern, given the potential of the bid for Belfast and the North-West region. As Minister for Culture, Heritage and the Gaeltacht, I and my colleague Simon Coveney, TD, Minister for Foreign Affairs and Trade, are closely monitoring the issue to ensure that there is ongoing supportive engagement by the Government.

I am pleased to tell you that, Ireland has already made representations on the matter in Brussels, through our Permanent Representation to the EU. On 12 December, the EU Council Cultural Affairs Committee discussed the advice from the Commission that the selection process for five ECOC bids should be discontinued as a consequence of the UK decision to withdraw from the Union. Ireland intervened strongly to set out the Government's support for the Derry and Belfast bid being able to continue, and noting that any change in approach in relation to bids for the European Capital of Culture 2023 is not merely a technical matter.

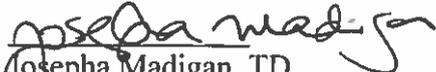
Ireland emphasised that full account should be taken of the political context of the underlying decisions of the European Parliament in June 2017 and of the Council in September 2017.

Ireland also sought further information and clarification from the Commission on the approach in this area to inform Member States' understanding and position

I and Minister Coveney will continue to positively advocate for Northern Ireland and its citizens amongst our EU partners and we remain open to constructive engagement on this matter.

Finally I would note that representatives for the bid are also engaged with the UK Department for Digital, Culture, Media and Sport which is also seeking to resolve this issue with the European Commission and agree a clear way forward.

Yours sincerely,

  
Josepha Madigan, TD  
Minister for Culture, Heritage and Gaeltacht

## **Sealing List April 2018**

### **Documents Sealed 9<sup>th</sup> April 2018**

Deed of Dedication in triplicate:- Derry City and Strabane District Council ~and~ The Executive Office relating to Invest In Play Project, Land at Kilfennan, Derry.

### **Documents Sealed 13<sup>th</sup> April 2018**

Deed of Dedication in triplicate:- Derry city and Strabane District Council ~and~ The Executive Office relating to Invest In Play Project, Land at Ballymagroarty, Derry.

### **Documents Sealed 26<sup>th</sup> April 2018**

#### Grants of Right of Burial in Ballyoan Cemetery

Mr Jim McMasters, 5 Caw Park, Derry, BT47 6LZ.  
Dympna Cassidy, 2 Jeffery Avenue, Brigade, Waterside, Derry.  
Mrs Frances Borland, 54 Woodburn Park, Waterside, Derry.

#### Grants of Right of Burial in City Cemetery

Mrs Mary Jo McEvoy, 6 Beechwood Avenue, Derry, BT48 9LP.  
Ms Majella McLaughlin, 128 Templegrove, Derry.  
Mr Edward Curran, 19 Broadway, Derry, BT48 9LY.  
Mrs Angela Doherty, 33 Shandon Park, Derry, BT48 8AW.  
Mr Andrew Bonner, c/o The House In The Wells, 130 St Columb's Wells, Derry.  
Mr Jim Taylor, 19 Glenview Avenue, Derry.  
Mr Andrew Doherty, 19 Castlevue Park, Derry.  
Mr Damien Harkin, 32 Hawthorn Grove, Derry, BT48 0GD.  
Mr John O'Connor, 89 Ardnamoyle Park, Derry.  
Ms Chloe McDaid, 191 Carnhill, Derry, BT48 8BQ.  
Mr Andrew McGarvey, 15 Cashel Hill Park, Galliagh, Derry, BT48 8LS.  
Mrs Helen McEnroe, 57 Beechwood Crescent, Derry.  
Ms Erin McLaughlin, 10 Mary Street, Derry.  
Mrs Maria Morris, Sappagh, Muff, County Donegal.  
Mrs Mary Logan, 18 Moyola Drive, Derry, BT48 8EQ.  
Mrs Dympna Ferry, 10 Drumleck Drive, Derry, BT48 8EP.  
Mr Terence Doherty, 39 Cashelmore Park, Derry, BT48 0RU.  
Ms Paula Quigley, 21 Ferndale Road, Derry.  
Mrs Terry Kennedy, 230 Hatmore Park, Derry, BT48 0AF.  
Mrs Mary Morrison, 7 Elmwood Terrace, Derry, BT48 9JQ.

Mrs Bebe O'Kane, 25 Abbotts Walk, Derry, BT48 9EX.  
Mrs Harriett Hipplesley, 10 Jacqueline Way, Derry, BT48 9PQ.  
Mrs Dolores McDonald, 63 Cromore Gardens, Derry, BT48 8TF.  
Mr Robert Callan, 151 Cornshell Fields, Derry, BT48 7UT.  
Mrs Majella O'Donnell, 26 Brookdale Crescent, Galliagh, BT48 8HG.  
Mr Daniel Wray, 59 Drumleck Drive, Derry, BT48 8ETJ.  
Mrs Susan McCafferty, Osborne House, Shore Front, Bunrana.  
Mr Jonathan Caldwell, 32 Cable Street, Derry.  
Mr Raymond Ryan, 3 Harty Court, Derry.  
Mrs Moira McMenamin, 9 Cashelhill Park, Galliagh, Derry.  
Mr Alex Gallagher, 9 Oak Country Park, Derry, BT47 6HQ.

**Grants of Right of Burial in Strabane Burial Ground**

Evette Ballantyne, 31 Claremore Road, Castledearg, Co Tyrone, BT81 7RF  
Michael Coyle, 7 Dernalebe Road, Douglas Bridge, Strabane, Co Tyrone, BT82 8PF

**Grants of Right of Burial in Ardstraw Burial Ground**

Emma Lyttle, 274 Melmount Road, Victoria Bridge, Strabane, Co Tyrone, BT82 9JG  
Bill Macey, 18 Liscurry Gardens, Artigarvan, Strabane, Co Tyrone, BT82 0JH